

POSITION DESCRIPTION
CITY OF MUNCIE, INDIANA
SANITARY DISTRICT

POSITION: Secretary
DEPARTMENT: Sanitation BWO
WORK SCHEDULE: 7:00 a.m. - 3:00 p.m., M-F
JOB CATEGORY: COMOT (Computer, Office Machine Operation, Technician)

DATE WRITTEN: April 2010
DATE REVISED:

STATUS: Full-time
FLSA STATUS: Non-exempt

To perform this position successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed in this document are representative of the knowledge, skill, and/or ability required. City of Muncie Sanitary District provides reasonable accommodation to qualified employees and applicants with known disabilities who require accommodation to complete the application process or perform essential functions of the job, unless the accommodation would cause an undue hardship.

Incumbent serves as Secretary for the Muncie Sanitary District Sanitation Department, responsible for maintaining various documents and related records, providing clerical assistance to Department personnel and the public.

DUTIES:

Answers telephone and greets office visitors, determines nature of call, responds to inquiries, and/or routes caller to appropriate person or department.

Maintains vehicle information, documents, and records, such as gas usage speedometer reading and vehicular maintenance and routes appropriate reports to Supervisor as requested, including preparing employee accident reports, completing proper forms, submitting to Personnel Secretary as required, verifying and handling recalls on trucks, tracking cab cleaning, and maintaining current information, and maintaining fuel order.

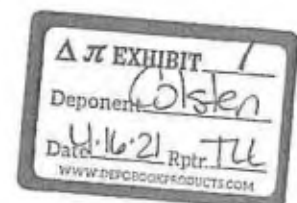
Completes paperwork for project work, including collecting information, completing overtime work schedules, preparing cost worksheet, and completing project report.

Maintains employee document and related records, including preparing Workman's Compensation forms, maintaining vacation logs and timecards, tracking employee uniforms, and submitting reports as required.

Performs various clerical duties, including typing various reports, correspondence, letters, documents, and forms, maintaining employee meeting minutes, recording questions and/or complaints, and maintaining and ordering office supplies.

Communications and administers personnel programs and procedures, including posting updated information, and instructs new hires through orientation process.

sanitation/secretary



Ability to compare or observe similarities and differences in, data, compile, analyze and evaluate data, and make determinations based on data analyses.

Ability to plan and layout assigned work projects, apply knowledge of people and locations, and read and interpret detailed prints, sketches, maps, specifications, and layouts.

Ability to work alone with minimum supervision and with others in a team environment.

Ability to work on several tasks at the same time, and work rapidly for long periods often under time pressure.

Ability to occasionally work extended hours and/or weekends, and occasionally travel out of town for continued education classes, sometimes overnight.

II. RESPONSIBILITY:

Incumbent performs duties according to a flexible, customary routine with work priorities primarily and/or general objectives determined by seasonal deadlines and/or supervisor. Assignments are guided by broad policies referring to supervisor when interpretations of Departmental policies are thought necessary. Decisions are always determined by specific instructions or existing, well established policies and procedures. Errors in work are primarily prevented or detected through supervisory review and/or procedural safeguards. Undetected errors could result in loss of time to correct error.

III. PERSONAL WORK RELATIONSHIPS:

Incumbent maintains frequent contact with co-workers, other City departments, vendors, health insurance agencies, and the public for the purpose of exchanging and explaining information and rendering services.

Incumbent reports directly to the Office Manager.

IV. PHYSICAL EFFORT AND WORK ENVIRONMENT:

Incumbent performs duties in a standard office environment and/or storeroom, including sitting/walking at will, sitting for long periods, lifting/carrying objects weighing more than 50 pounds, pushing/pulling objects, bending, crouching/kneeling, reaching, keyboarding, close/far vision, fingering/handling/grasping objects, hearing sounds/communication, and color perception. Incumbent occasionally works extended hours and/or weekends, and occasionally travels out of town for continued education classes, sometimes overnight.

sanitation/secretary



Muncie

SANITARY DISTRICT

PERSONNEL

POLICIES HANDBOOK

MUNCIE SANITARY DISTRICT

January 16, 2019



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1. PERSONNEL POLICIES HANDBOOK

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

This Muncie Sanitary District Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. It is your responsibility to read, understand, and comply with all provisions of the handbook. The Muncie Sanitary District Personnel Policies Handbook describes many of your responsibilities as an employee and outlines the programs developed by Muncie Sanitary District to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this policy is intended to, in any sense, constitute a contract of employment. In accordance with Indiana statutes, the Muncie Sanitary District is an "At-Will" employer. This means the employee may resign at any time and the District may terminate an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to District employees. This policy does not create an entitlement or an expectation of continued employment.

No employee handbook can anticipate every circumstance or question about policies. As the District continues to grow, the need may arise to change policies described in the handbook. Muncie Sanitary District therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While Muncie Sanitary District believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents.

Questions concerning the meaning or application of the District's policies should be directed to the District Administrator.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

Muncie Sanitary District's employment practices and policies will apply equally to all employees, unless exempted by law, contract, or the terms of a policy. Where federal, state, and local laws or regulations supersede Muncie Sanitary District policies, employees will be instructed to observe the requirements of these federal, state, and local laws.

1.3 "MUNCIE SANITARY DISTRICT" DEFINED

In this personnel policy, the "District" shall be defined to mean the Muncie Board of Sanitary Commissioners and/or agency and department heads acting individually or in conjunction with

each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

1.4 PERSONNEL ADVISORY COMMITTEE

The Muncie Sanitary District Personnel Advisory Committee is established and shall meet as deemed necessary to review the application of District personnel policies and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Muncie Sanitary District Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary; and
3. Reviewing all standard operating procedures adopted by any department.

The Muncie Sanitary District Personnel Advisory Committee shall serve yearly and be comprised of three (3) members. The members of the Personnel Advisory Committee shall be one (1) Board member (appointed by the Board), one (1) District Administrator by virtue of position, and one (1) District Attorney by virtue of position. The Human Resources (HR) Director shall serve the Committee in an advisory role as directed by the District.

1.5 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Muncie Sanitary District to provide Equal Employment Opportunity in all aspects of the employer-employee relationship. No employee or applicant for employment will be discriminated against because of race, color, creed, religion, age, national origin, sex, disability, genetic information, or any other classification under local, state, or federal law. Equal employment opportunity includes, but is not limited to, hiring, promotion, transfer, demotion, termination, and training.

1.6 MANAGEMENT RIGHTS

Muncie Sanitary District retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the District to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;
3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;
5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the District;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue

- District operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
 11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, terminate, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
 12. The right to change, modify, and alter the composition of the work force;
 13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;
 14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of District property and personnel;
 15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures and policies;
 16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
 17. The right to determine the size and character of inventories and their disposal;
 18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the District;
 19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the new locations of departments, subdivisions, locations, and the closing and discontinuance of same; and
 20. The above enumeration of management rights is not inclusive, and is not intended in any way to limit the rights of the District, of all such rights and all rights granted the District by contribution, statute, charter, ordinance, or in any manner are retained by the District.

1.7 PRODUCTIVE WORK ENVIRONMENT

It is a policy of Muncie Sanitary District to maintain a productive work environment. Verbal and/or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

All new hires must cooperate with the District in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete a Form I-9 and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated. Form I-9s are maintained by the HR Department.

2. EMPLOYMENT POLICIES

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

2.1 RECRUITMENT

When a vacancy occurs in a department the District Administrator (or designee) shall be notified.

Whenever vacancies occur or new positions are created, job information shall be first posted within Department facilities for three (3) working days to encourage internal promotion. If the position is not filled within three (3) working days, the job information shall be posted District wide within District facilities. Thereafter, the job position may be posted and advertised outside of the District.

The District will interview any MUNCIE SANITARY DISTRICT full-time or part-time employee that applies.

Employees, who are in a probationary status, may not apply for vacant positions while on leave or in such status.

A full-time District employee who has applied for and received a position transfer shall not request another transfer for at least six (6) months, unless approved by the District Administrator.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the District is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the Board of Sanitary Commissioners' President.

2.2 NEPOTISM

Effective July 1, 2012 Indiana Code 36-1-20.2 requires that relatives may not be employed by the Muncie Sanitary District in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the Muncie Sanitary District as of June 30, 2012, is not subject to the nepotism provisions of this law unless there is a break in the employee's employment after July 1, 2012.

Direct line of supervision is defined by Indiana Code as an elected officer or an employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse, a parent, a child or stepchild, a brother, sister, step-brother, or step-sister, a niece or nephew, an aunt or uncle, a daughter-in-law or son-in-law, an adopted child, and a brother or sister by half blood.

The Muncie Sanitary District Administrator shall annually certify in writing that the Muncie Sanitary District is in compliance with this nepotism rule as defined under Indiana Code 36-1-20.2. Such certification must be submitted to the Muncie Sanitary District Board of Sanitary Commissioners no later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The Muncie Sanitary District's failure to adopt policies under Indiana Code 36-1-20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the Muncie Sanitary District is in compliance.

2.3 EMPLOYMENT APPLICATIONS

All applicants are required to complete a City of Muncie Employment Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by the HR Department. The HR Department shall provide department heads with copies of all submitted applications. Applicants must account for periods of employment and unemployment.

Applications for District employment shall request only information necessary for rational decision making. The District relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any form may result in the District's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the District does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files per City of Muncie policy. Applications shall be returned to the HR Department prior to hiring or being placed on the District payroll. All newly hired employees shall report to the HR Department to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

2.4 APPLICANT TESTING

Applicant tests may include, but not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the District in the selection process for certain positions. Such tests are related to the requirements of the position.

2.5 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews are used to gather information and screen applicants for District employment.

2.6 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements.

Applicants who receive a conditional offer of employment are not employees of the District unless they receive an official letter of employment. Muncie Sanitary District may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

The District Administrator or designee shall issue the conditional offer of employment.

2.7 MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety and health prior to hiring, or anytime during the course of employment with the District.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the District's choice, at the District's expense.

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants shall be required to submit to a drug test prior to being hired by the District.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Health Insurance Office. Access to this information will be limited to the employee, department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

2.8 EMPLOYMENT CATEGORIES

It is the intent of the District to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. Each employee is assigned to one of the following employment categories. Any changes to an employee's employment category shall be in writing.

REGULAR FULL-TIME employees are those who are not in a part-time, seasonal, or probationary status (probationary period) and who are regularly scheduled to work the District's full-time schedule. They are eligible for the District's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The Board of Sanitary Commissioners sets the full-time compensation rates annually for all positions.

PART-TIME employees are those who are not assigned to a regular full-time or seasonal position and who are regularly scheduled to work the District's part-time schedule. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the District's other benefit programs. The Board of Sanitary Commissioners sets the part-time compensation rates annually for all positions. Part-time employees may work up to 28 hours per week and over-time is not permitted unless approved by the District Administrator. Part-time employees may sign for a full-time employment posting and will be interviewed. Part-time employees after this date must have a CDL in departments where applicable.

INTERN employees are those non-fulltime employees who, as a condition of their employment, are actively pursuing a college degree in a field related to the duties of the position, and who, at the time of hire, have earned college level credits equivalent to a minimum of sophomore status. While interns do receive all legally mandated benefit programs (such as workers' compensation and Social Security Benefits), they are ineligible for the District's other benefit programs. The Board of Sanitary Commissioners sets the part-time compensation rates annually for all positions. Internship positions are classified as either part-time or seasonal as described in their job description. Part-time intern employees may maintain employment as long as they are enrolled in a full-load of courses (typically 12 credits) during fall and spring semesters. Seasonal interns may work up to 40 hours per week, but may not work more than 120 days in a taxable year. An employee who has been an intern may not be rehired until a three (3) month lapse of employment has occurred. Over-time is not permitted for any interns. Intern employees may sign up for full-time employment and will be interviewed.

2.9 PROBATIONARY PERIOD

The thirty (30) day probationary period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate employee capabilities, work habits, and overall performance. All new, rehired, promoted, and/or transferred employees work on a probationary basis for thirty (30) days after their "date of hire." If the District determines that

the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. Employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

2.10 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS

To ensure that individuals who are employed by the District are well qualified and have a strong potential to be productive and successful, it is the policy of the District to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current District employees, it will be the sole responsibility of the HR Department to respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

Applicants shall be subject to criminal background checks, and in some instances credit checks.

2.11 PERSONNEL FILES

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee during their course of employment and per City of Muncie policy. However, all personnel records shall be maintained and retained according to federal and state law. Such records should be used to substantiate and support the employment decision in the event of inquiry.

The District maintains two (2) separate personnel records concerning the employee's employment history.

1. **Personnel File:** In each employee's personnel file, records regarding position, pay, and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, grievances filed, employee forms for taxes and retirement application. The file may also contain disciplinary actions, time records, employment application, awards received, training records, and performance reviews. This file shall be maintained by the HR Department. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.

2. **Medical File:** The employee's medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, ADA accommodations, workers' compensation documents, results of alcohol and drug tests, and other medical related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Health Insurance Office.

2.12 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the department head of the employee, the District Administrator, the HR Department, a Board member, and other persons authorized by the District Administrator on a need-to-know basis. The HR Department shall not provide any information pursuant to a subpoena sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of subpoena, the HR Department shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Personnel files are property of the District and access to the information they contain is restricted. Only officials or representatives of the District who have a legitimate reason to review information in a file are allowed to do so. Only during a scheduled appointment with the HR Department, may an employee review material in his/her file. Upon request, the District will provide the employee copies of any documents contained in his/her personnel file.

No information shall be provided to any person concerning the employment of an employee other than the information set out in this policy and as required by law.

2.13 PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to promptly notify the Department Head, in writing, of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, tax withholdings, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the District's benefit plans.

2.14 ORIENTATION

Once employed by the District, an employee will receive a copy of the Muncie Sanitary District Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy (Section 5.8). It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

2.15 PERFORMANCE EVALUATION

Formal performance evaluations will be conducted on an annual basis on the employee's anniversary date and up to every six months after the initial hire date.

Additionally, formal performance reviews will be conducted to provide both department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Performance evaluations shall be confidential and shall be made available only to the employee, their department head, the District Administrator, the HR Department, and a Board member.

2.16 OUTSIDE EMPLOYMENT

The District expects employees to conduct business according to ethical standards of conduct. An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the District. Employees are expected to devote their best efforts to the interest of the District. Business dealings that appear to create conflict between the interests of the District and the employee are unacceptable. All employees will be judged by the same performance standards and will be subject to the District's scheduling demands, regardless of any existing outside work requirements. The District recognizes the right of employees to engage in activities outside their employment that are of a private nature and unrelated to our business. However, an employee must disclose of any possible conflicts so that the District may assess and prevent potential conflicts of interest from arising.

Employees who are provided Family and Medical Leave under the District's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If the District determines that an employee's outside work interferes with performance or the ability to meet the requirements of the District as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the District. Full-time employees are required to notify their department head of any outside employment. In general, outside work activities are not allowed when they:

- Prevent the employee from fully performing work which he or she is employed at the District, including overtime assignments;
- Involve organizations that are doing or seek to do business with the District, including actual or potential vendors or customers; or
- Violate provisions of law or the District's policies or rules.

From time to time, District employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested or necessary to complete their work assignments. In cases of conflict with any outside activity, the employee's obligations to the District must be given priority. Employees are hired and continue to work with the understanding that the District is their primary employer and that other employment or commercial involvement, which is in conflict with the business interests of the District, is strictly prohibited.

District employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential District information. Any offers of money, services, benefits, favors, or other possible conflicts shall be immediately reported to supervisors and/or the District Administrator.

Employees are not required to contribute time or money to any person, political party, or political action committee.

Employees are prohibited from engaging in any campaign conduct during work hours. The display and/or wearing of campaign buttons, posters, clothing with campaign slogans, and other political paraphernalia is prohibited during work hours.

2.17 REQUESTS FOR INFORMATION

Occasionally, employees of the District are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public and/or media about District issues is the responsibility of the designated official/department head. Any request or question from the public must be referred to that official. Employees must consult with the District Administrator before releasing information which is confidential or privileged by law. Requests for information should be in writing and submitted to the Administration office and reflective of the "Request of Information Policy."

Employees shall not release any information or render any opinions about the District, unless approved by the District Administrator.

2.18 LAYOFF/RECALL AND TEMPORARY TRANSFERS

The Muncie Sanitary District maintains the right to reduce its workforce.

2.18.1 Temporary Transfers

The District may temporarily transfer an employee from one division within the Department or from one Department to another Department.

When an employee is working out of job classification for a majority of the day, the employee will receive his/her regular rate of pay for his/her regular classification or the rate of the classification to which the employee is transferred, whichever is higher, provided the employee is actually responsible for the work being done at the higher rate. In the event the temporarily transferred employee is serving as an assistant, the employee will retain his/her regular rate of pay.

3. SALARY ADMINISTRATION

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

3.1 NORMAL WORKWEEK

The normal workweek begins on Sunday and ends on the following Saturday.

3.2 WORK HOURS

The normal hours of work for full-time employees is eight (8) hours per day, five (5) days per week, inclusive of meal periods and break periods if allowed. The individual department will set the starting hours and shifts consistent with the efficient operation of the department.

Upon approval by the employee's department head or supervisor, an employee may combine his or her break periods, if breaks are given, and lunch period in order to take a one (1) hour lunch. Combining such time shall not exceed one (1) hour.

Each department head may create and oversee guidelines regarding employee call-out procedures.

3.3 FLEX TIME

The District supports flex scheduling if approved in advance by the Department Head. Flex time must be worked in the applicable pay period.

3.4 JOB DESCRIPTIONS

Muncie Sanitary District positions, except those of board members, have been described in job descriptions. Job descriptions are maintained in the administrative offices. Copies of job descriptions are available in each office or department and provided to each employee.

New job descriptions or any modifications to existing job descriptions shall be submitted to the District Administrator for approval.

3.5 COMPENSATION

Muncie Sanitary District compensates employees in accordance with decisions by the District or the State of Indiana as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period.

The supervising department head or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Board of Sanitary Commissioners.

3.6 TIMEKEEPING

Federal and state laws require the District to keep an accurate record of time worked in order to calculate employee pay and benefits.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees.

These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording the time they begin and end work on District forms or time keeping machines. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the department head before it is performed.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including termination.

3.7 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of Muncie Sanitary District before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head.

3.8 ROUNDING

Time is to be recorded to the quarter hour, using the seven (7) minutes rule (i.e. leeway of seven [7] minutes before your scheduled start time and seven [7] minutes after your scheduled stop time.) This rule does not allow you to start seven (7) minutes after your scheduled start time or stop seven (7) minutes before your scheduled stop time. All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all the employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

3.9 MULTIPLE POSITIONS

Non-exempt employees working in more than one Muncie Sanitary District position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

3.10 TIME CARDS

Time cards must be turned into the payroll office no later than 12:00 (noon) on the following Monday after the pay period ends (see normal workweek above). A personnel form will be filled out for any benefit payroll changes. Hourly employees must punch their own time card at the appropriate time clock. Time cards are to be reviewed and approved by immediate supervisors and turned in for processing. Salaried employees must also fill out and sign time cards.

Failure by an employee to submit a time card when required or submitting a falsified time card may result in disciplinary action.

For detailed instructions on how and when to complete time cards, employees should consult with their department head or supervisor.

3.11 PAYDAYS

Employees are paid bi-weekly normally on Friday. Direct Deposit is issued by the Controller to compensate employees for work performed in the immediate past pay period.

In the event that a regularly scheduled payday falls on a day off (such as a holiday), employees will normally be paid on the last day of work before the regularly scheduled payday.

3.12 PAY CORRECTIONS

Muncie Sanitary District takes all reasonable steps to ensure that employees receive the correct amount of pay in each pay, and that employees are paid properly on the scheduled payday. The District prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her pay or was not paid the proper amount should promptly give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her department head.

All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

3.13 PAY DEDUCTIONS/GARNISHMENTS

No payroll deduction will be made from an employee pay unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law.

Additionally, deductions may be authorized for employee contributions to health, dental, and supplemental insurance and deferred compensation plans as requested by the employee.

3.14 OVERTIME COMPENSATION AND COMPENSATORY TIME

Each District position is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding NON-EXEMPT positions are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws.

Employees holding EXEMPT positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to overtime compensation or compensatory time off.

3.14.1 Overtime

In the event that a department head requires a non-exempt employee to work overtime, such employee shall be granted either overtime compensation in the form of monetary reimbursement at the rate of one and one-half ($1\frac{1}{2}$) times the amount of hours worked in excess of forty (40) hours in a workweek or hours worked in excess of eight (8) hours per day; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked; except that time off for vacation, holiday pay, personal/sick leave, jury duty, court leave, and funeral leave which shall count as hours worked for purposes of calculating overtime compensation.

Employees are expected to work a proportionate share of overtime in his or her department. In those situations where this is not occurring, the department head may establish other means, acceptable to the District, regarding the assignment of overtime in order to promote equalization.

Any full-time hourly employee who is called in to work at the Districts' request outside the employee's regularly scheduled hours of work shall be guaranteed the greater of three (3) hours pay or the hours actually worked, compensated at one and one-half ($1\frac{1}{2}$) times the amount of hours worked. This guarantee does not pertain to full-time hourly employees called in ahead of their shift or who work beyond the end of their shift.

3.14.2 Compensatory Time

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half ($1\frac{1}{2}$) times the amount of approved hours as specified in this policy. Compensatory time may be earned for the amount of actual hours worked in excess of forty (40) hours in a workweek or hours worked in excess of eight (8) hours per day.

Calculating compensatory time is based on actual hours worked; except that time off for vacation, holiday pay, personal/sick leave, jury duty, court leave, and funeral leave which shall count as hours worked for purposes of calculating overtime compensation.

An employee may use earned compensatory time with the approval of the employee's department head. If it is not possible to approve the particular compensatory time off requested by the employee, time off will be taken within two (2) weeks, unless the requested time off would unduly disrupt operations according to the department head. If a mutually agreeable time cannot be scheduled for the employee to use the earned compensatory time, the department head may elect to substitute monetary overtime pay in lieu of earned compensatory time.

Compensatory time is at the sole discretion of the department head.

3.14.3 Maximum Compensatory Time Accrual

District employees may accrue up to forty (40) hours of compensatory time. Employees are not permitted to accumulate more than forty (40) hours of compensatory time off without the prior written approval of the District Administrator.

An employee will receive monetary overtime compensation for overtime hours actually worked which could cause the employee's accumulation to exceed forty (40) hours.

Compensatory time earned during a calendar year (January 1 to December 31) must be used during that year. If that is not possible, monetary overtime pay will be substituted for compensatory time for all such time earned by an employee but not used by the last day of the final pay period in December.

Accrued compensatory hours are paid upon termination of employment; however, the District retains the right to pay compensatory time at any time.

3.14.4 Failure to Work Scheduled Overtime or Overtime without Authorization

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the District as determined by the District's designation of jobs as "non-exempt" under the FLSA.

3.15 EMERGENCY CLOSING

Periodic emergencies, such as severe weather or power failures, can disrupt District operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a Muncie Sanitary District work facility is officially closed by the Board of Sanitary Commissioners for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to all full-time employees affected by the facility closing.

If an employee is required to work at a closed facility, the employee shall be compensated for all actual hours worked at a rate of one and one-half (1 ½) times their regular rate of pay. Such work, including reimbursement, must have prior approval by the employee's department head.

Any employee who reports to work and their work facility is later closed due to an emergency after his/her arrival shall be paid for a full workday without being penalized by use of vacation or personal leave or making up this time within the pay period.

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as compensatory time, personal leave, vacation, or approved sick leave time (if applicable).

3.16 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- **Resignation:** Voluntary employment termination initiated by the employee. Although advance notice is not required, Muncie Sanitary District requests at least a two (2) week notice from the employee. The department head shall determine whether the employee may work out his/her notice.
- **Discharge/Termination:** Involuntary employment termination initiated by the District.
- **Retirement:** Voluntary employment termination initiated by the employee meeting established state and/or District retirement criteria, such as age and length of service. Muncie Sanitary District requests more than a two (2) week notice from the employee. Employees will receive their final pay in accordance with applicable state law.

All accrued, vested benefits that are due and payable at termination will be paid.

3.17 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. The District may also take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

4.1 VACATION LEAVE

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full-time employees are provided annual vacation leave during each year in order to achieve this purpose. Part-time and seasonal employees are not eligible for paid vacation leave. The schedule for earning vacation days is as follows:

Years of Service	Vacation Time Off
At time of Hire	5 working days**
After 1 year	10 working days**
After 5 years	15 working days**
After 10 years	20 working days**
After 20 years	25 working days**

**Must be used within the following twelve (12) month period

Notwithstanding the preceding, the Board of Commissioners may immediately grant vacation benefits to new hires for managerial and professional positions during the first year of employment.

Vacation days may not be accumulated from year of service to year of service.

4.1.1 Terms and Conditions of Vacation Leave

A. Vacation leave is earned on the employee's anniversary date.

B. For a full-time employee to use paid vacation benefits, the vacation time must be scheduled with and approved by the employee's department head. Vacation requests must be in writing on forms provided by the District. An effort will be made to meet individual preferences as to vacation time consistent with the needs of the District. In all cases the work requirements of the District take priority in the scheduling of vacation time.

C. If more than one employee wishes to take vacation leave at the same time, and they cannot both be granted at the same time, length of service will prevail. However, the department head will determine if the vacation requested fits the work schedule of the department.

D. Vacation leave shall be used in one (1) day increments unless such leave is substituted and used for a Family and Medical Leave Act qualifying reason, in which

case vacation may be used in one (1) hour increments.

E. If a holiday is observed during an employee's approved vacation, the holiday will be paid as a holiday and the day will not be charged to the employee's available vacation.

F. Employees accrue vacation benefits during all other paid leaves and during unpaid leaves of absence of less than thirty (30) calendar days.

G. An employee is entitled to compensation, at his/her current pay rate, for any unused vacation leave at the time of resignation or retirement. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.

H. Vacation time may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned vacation time for use.

4.2 PERSONAL/SICK LEAVE

Full-time employees are eligible for personal/sick days. New hires shall receive one (1) sick day at the time of hire that must be used within the first year of full-time employment. After six (6) months of full-time employment two (2) additional sick days and three (3) personal days will be received, and must be used within the following six (6) months. In the following and subsequent years, each full-time employee shall be provided six (6) personal and six (6) sick days on their anniversary date.

Notwithstanding anything in this policy to the contrary, the Board of Commissioners may immediately grant personal day benefits to new hires for managerial and professional positions during the first year of employment.

Personal/sick days will not be accumulated from year-to-year. However, unused sick/personal leave days shall be added to an employee's Sick Leave Bank on the employee's anniversary date.

Use of personal/sick leave must be approved by the department head. Employees must seek approval, when possible, at least twenty-four (24) hours in advance of taking personal/sick leave. Approval for use of personal/sick leave is subject to the operational demands of the department.

Personal/sick days are payable at the employee's regular rate of pay at the time of leave and must be taken in minimum of half (1/2) day increments.

However, personal/sick leave may be used in one (1) hour increments when it is being substituted and used for a Family and Medical Leave Act qualifying reason. Employees do not accrue personal/sick leave benefits during layoff. Employees accrue personal/sick leave benefits during all other paid leaves of absence and unpaid leaves of absence of less than thirty (30) calendar days.

Upon termination, pay for unused days will be included in the employee's last regular pay.

4.3 HOLIDAYS

Observed holidays by the Sanitary District shall be posted prior to January 1st for the subsequent calendar year as determined by the Board of Sanitary Commissioners.

All full-time employees who are eligible shall receive eight (8) hours straight-time pay for each holiday. In addition, any non-exempt employee who works a holiday will be paid one and one half (1 1/2) times the employee's hourly rate for the hours worked.

To be eligible for holiday pay an employee must work the full scheduled work day before and the full scheduled work day after the holiday, and when required the scheduled make up day unless the employee's failure to do so is due to one or more of the following reasons:

A. Approved vacation, personal leave, jury duty leave of absence, witness leave of absence, temporary military leave of absence of fifteen (15) calendar days or less, or eligible FMLA leave.

Employees are not eligible for holiday pay while on workers' compensation.

Paid time off for holidays counts as hours worked for overtime purposes only when the holiday is observed on a day the employee is regularly scheduled to work by the District.

4.4 SICK LEAVE BANK

The Muncie Sanitary District has an income protection plan for its full-time employees in the form of a Sick Leave Bank. This Bank is available for use when an employee is absent from work due to the employee's own medical condition (which is not compensable under the Indiana workers' compensation law or similar program), provided the employee has exhausted all available personal leave time and the absence is verified by a doctor's statement satisfactory to the District. The term "medical condition" means all temporary and permanent medical conditions, including illness, injury, pregnancy, child birth, and related conditions. Sick leave accrual may not be used due to the medical condition of the employee's spouse, parent, or child, unless such condition is a qualifying situation under FMLA.

The District reserves the right to have the employee examined by a physician of the District's choosing, at the District's expense. In order to be reimbursed for this examination the employee must sign a healthcare release and complete a Muncie Sanitary District form for reimbursement before sick leave benefits can be expected.

Full-time employees accrue sick leave on the basis of one-fifth (1/5) of a day per pay period worked. Unused days are added to an employee's Sick Leave Bank on the employee's anniversary date after the conclusion of each year of service.

Employees do not accrue paid sick leave benefits during an unpaid leave of absence of thirty (30) consecutive days or more.

Sick leave may be accrued up to a maximum of nine hundred and sixty (960) hours. This limitation does not apply to executive management. Any employee is not eligible to use Sick

Leave Bank accrual until the employee has exhausted all unused personal/sick days and the employee has completed six (6) months of continuous service with the District.

In addition, you may earn sick bank days at the normal rate of 1/5 day per pay period if you use or loan days from your current allotment. You may also use unused vacation, sick days, and personal days to build back up to the nine hundred and sixty (960) hours maximum.

Sick leave benefits must be used and charged against available Sick Leave Bank accrual benefits in increments of one (1) day. Provided however, Sick Leave Bank accrual may be used in one (1) hour increments when it is being substituted and used for a Family and Medical Leave Act qualifying reason.

An employee's accrued Sick Leave Bank balance will be paid to him or her within thirty (30) days following the effective date of the employee's termination of employment, provided that:

- A. The employee has at least one (1) year of continuous service with the District; and
- B. The employee has given the required notice of termination

Payment will be up to a maximum of nine hundred and sixty (960) hours at the employee's current regular rate of pay. This limitation does not apply to executive management.

Unless otherwise stated in this policy, an employee will use up to five (5) days combined of paid vacation leave and paid personal/sick leave per continuous absence which is due to an illness or injury that is compensable under the Indiana Workers' Compensation law. In the event those days are later covered by the District's Workers' Compensation Insurance, the employee **will not be permitted** to credit those days back to his vacation, personal leave, or sick leave accrual Bank.

The District allows employees to assign their Sick Leave Bank benefits to other District employees provided all of the following terms and conditions are met:

1. The employee assigning his or her Sick Leave Bank benefits must maintain a balance in their own Sick Leave Bank of one hundred and sixty (160) hours;
2. The employee assigning his or her Sick Leave Bank benefits must assign those benefits in increments of forty (40) hours.
3. The assignment must be noted on a Personnel Information Form and signed by both the employee and the department head;
4. Prior to the Personnel Information Form being processed to the HR Department, the District Administrator must approve the assignment; and
5. Only Sick Leave Bank benefits may be assigned to another employee. Vacation and personal days may not be assigned to another employee.

Employees who are receiving benefits from the Sick Leave Bank shall not be engaged in outside employment while receiving those benefits.

4.5 MEDICAL LEAVE

Medical leave shall be available to full-time employees who have been employed for a

minimum of six (6) months up to a maximum of less than one (1) year. This type of leave is only available to those employees who have a FMLA qualifying serious illness, injury, or condition ("Medical Condition").

Upon request, an eligible employee may be granted a leave of absence without pay for the period of his or her medical condition for up to a sixty (60) calendar day maximum during a twelve (12) month period. The twelve (12) month period will be measured forward from the date the employee uses any unpaid medical leave.

An eligible employee who is absent from work for four (4) or more consecutive workdays due to his or her own medical condition will automatically be considered on unpaid medical leave beginning with the first day of the absence.

An eligible employee who is granted a medical leave of absence is required to use any available, unused *paid* vacation time, personal/sick leave, *and Sick Leave Bank accrual* as part of the medical leave of absence, unless the employee is receiving Workers' Compensation benefits or disability benefits. In the event an employee is on Workers' Compensation, a full-time employee must use up to five (5) days combined of paid vacation leave and paid personal leave per continuous absence which is due to an illness or injury that is compensable under the Indiana Workers' Compensation law. This is optional by the employee. However, in the event those days are later covered by the District's Workers' Compensation Insurance, the employee will not be permitted to credit those days back to his vacation, personal leave, or Sick Leave Bank accrual.

An eligible employee who requires a medical leave of absence must notify his or her department head of his or her need for the leave as far in advance of the proposed beginning date of the leave as possible. The notice must be in writing and state:

1. The medical condition requiring the leave;
2. The date the employee desires the leave to begin; and
3. The length of the leave requested.

The notice must be accompanied by a physician's certificate substantiating the medical condition and the need for the leave requested. A "physician" means a person licensed to practice medicine in the State of Indiana.

If an eligible employee anticipates a need for medical leave due to pregnancy or other medical condition, the District asks that the employee notify his or her department head as soon as his or her physician has confirmed her pregnancy or medical condition so the District can plan for adequate, continuous staffing.

An eligible employee returning to work from a medical leave of absence must be able to perform the essential functions of his or her job. If a reasonable accommodation is required, the employee must notify the *District Administrator or designee*. Prior to the employee returning to work from a medical leave of absence, the employee must provide the District with a certificate from the employee's physician that the employee is able to resume work and perform the essential functions of his or her job. The certificate must contain at least the following information: (a) that the employee is released to return to work; (b) restrictions, if

any; (c) basis for the restrictions; (d) expected date the restrictions are to be lifted; and (e) physician's signature.

If the employee desires to return to work before the approved medical leave of absence ends, he or she must contact the *District Administrator or designee* to determine if such a change is acceptable to the District.

An eligible employee who returns to work at the end of his or her approved medical leave of absence will be returned to his or her former position if conditions are the same at the end of the leave as when the leave began. If the District determines conditions are not the same, the employee will be offered the first opening thereafter in any job for which the District determines the employee is qualified.

An eligible employee who is granted medical leave of absence is expected to return to active employment upon expiration of the approved medical leave of absence. If the employee does not return for work at the end of the leave for whatever reason and the employee is not eligible for any other approved leaves, his or her employment is terminated.

Upon expiration of the sixty (60) calendar days' maximum length of medical leave of absence, if the employee is still unable to return to work with no restrictions which would prevent the employee from performing the essential functions of his or her job with a reasonable accommodation, his or her employment is terminated if the employee has exhausted all leaves that are available to him or her under these policies.

Insurances in which an eligible employee is participating when a medical leave of absence begins may be continued during the leave provided the employee pays the bi-weekly premiums. Employees are encouraged to make appropriate arrangements with the insurance department prior to the commencement of an extended leave of absence for the payment of the employee's portion of the biweekly health insurance premium payment as well as any other payroll deductions the employee may have. Failure to make appropriate arrangements for the payment of health insurance premiums or failure to pay those health insurance premiums when due may result in the termination of health insurance coverage.

An eligible employee who is absent from work for more than three (3) consecutive days due to a condition covered by Workers' Compensation automatically will be considered on a medical leave of absence under this section beginning on the first day of such absence and subject to the provisions of this section.

Employees continue to accrue benefits during medical leave. While an employee is on medical leave, he/she shall not be engaged in outside employment.

4.6 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The District shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. The District shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through

the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each District employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by the District.

4.6.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of paid/unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

4.6.1(A) Serious Health Condition Defined

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.6.1(B) Chronic, Permanent, or Long-term Health Condition Defined

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

4.6.2 Eligibility

An “eligible employee” is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;
2. Has been employed for at least 1,250 hours (including hours of overtime worked, excluding any paid time off) of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Separate periods of employment with the District shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer’s intention to rehire the employee after a break in service.

4.6.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the District, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and the District shall attempt to work out a schedule for such leave that meets the employee’s needs without unduly disrupting the District’s operations, subject to the approval of the health care provider.

4.6.3 Employee Notice Requirements

4.6.3(A) Foreseeable FMLA Leave

An employee must provide the District at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the District’s FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer’s

operations, subject to the approval of the health care provider.

4.6.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

4.6.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the District as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

4.6.3(b) Employee Failure to Provide Notice

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the District's FMLA policy, the extent to which the District may delay FMLA coverage for leave depends on the facts of the particular case.

4.6.3(C) Requesting FMLA Leave

Employees should contact the department head to secure such forms and procedures used for requesting leave under the District's Family and Medical Leave policy. All requests for FMLA leave must be submitted, in writing, directly to Human Resources. The Human Resources Department shall process all FMLA requests for approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the District.

When an employee seeks leave due to a FMLA-qualifying reason for which the District has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

4.6.4 Employer Notice Requirements

4.6.4(A) Eligibility and Rights & Responsibilities

When an employee requests FMLA leave, or when the District acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the District must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The District shall use the Department of Labor form WH-381 (Notice of Eligibility and Rights & Responsibilities) to satisfy requirements under this section.

4.6.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When the District has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the District shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the District determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the District shall notify the employee of that determination.

If the District has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the District may provide the employee with the designation notice at that time.

If the information provided by the District to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the District shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change. The District shall use the Department of Labor form WH-382 (Designation Notice) to satisfy requirements under this section.

4.6.5 Certification

The District shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the

employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the District shall be at the employee's expense.

The District shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form WH-381 (Notice of Eligibility and Rights & Responsibilities).

The District shall provide an employee with the appropriate certification form at the same time the District provides an employee with form WH-381 (Notice of Eligibility and Rights & Responsibilities). The District shall use Department of Labor forms as follows: WH-380-E (Employee's Serious Health Condition) or WH-380-F (Family Member's Serious Health Condition).

At the time the District requests certification, the District shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to the District within fifteen (15) calendar days after the District's request.

4.6.5(A) Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to the District. The District shall advise an employee whenever the District finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the District are not fixed in the resubmitted certification, the District may deny the taking of FMLA leave, in accordance with Federal law.

4.6.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the District may not request additional information from the health care provider. However, the District may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the District has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the District Administrator or designated official by the District Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The District shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the District by a HIPAA-covered health care provider.

4.6.5(C) Second and Third Medical Opinion

The District reserves the right to require a second medical opinion from an independent medical provider. The District shall pay for the second opinion, including reasonable "out-of-pocket" travel expenses, and shall designate a provider who is not an employee of the District. If the two (2) opinions conflict, the District shall pay for a third opinion. The opinion of the third provider is final and binding on both the District and the employee, including reasonable "out-of-pocket" travel expenses.

The District may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The District shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

4.6.5(D) Recertification

The District may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The District may seek recertification for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the District receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the District shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the District within fifteen (15) calendar days after the employer's request.

Any recertification requested by the District shall be at the employee's expense.

4.6.5(E) Fitness-for-Duty Certification

The District may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The District shall notify an employee in form WH-382 (Designation Notice) whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The District may delay restoration to employment until an employee submits a required fitness-for-duty certification.

4.6.6 Calculation of FMLA Leave

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2010); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2011).

In situations where both a husband and wife work for the District and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

Any eligible employee who is granted FMLA leave shall use any available paid leave in the following order: compensatory time, personal/sick days, Sick Bank days, and vacation days as part of the twelve (12) week leave period to the extent permitted under those particular leave sections. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, personal leave, or holiday benefits, shall not be affected by taking FMLA leave.

4.6.6(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave shall be calculated in minimum increments of one (1) hour. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

4.6.6(B) Health Benefits

Any health plan, including self-insured plans, provided by the District will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. District employees are responsible for paying their share of the premium costs while on FMLA leave.

If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the District shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

4.6.7 Employee Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the District may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay the District's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

The District shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment.

4.6.8 Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the District's FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by the District's FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

4.6.8(A) Employee Notice Requirements

Employees seeking to use Military Caregiver leave must provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for Military Family leave is not foreseeable, the employee must provide notice to the District as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the District's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

4.6.8(B) Entitlement

Eligible employees are entitled to twelve (12) weeks of paid/unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to twenty-six (26) weeks of paid/unpaid Military Family leave for the following situation:

1. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

4.6.8(C) Covered Active Duty Defined

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign District; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign District under a call or order to active duty pursuant to applicable law.

4.6.8(D) Covered Servicemember Defined

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

4.6.8(E) Qualifying Exigency Leave

Eligible employees may take up to a total of twelve (12) weeks of paid/unpaid Military Family leave during the normal twelve (12)-month period established by the District for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the call up notice. This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA

leave in a twelve (12)-month period.

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and District agree is a qualifying exigency.

4.6.8(a) Certification

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the District shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the District once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the District if the need for leave because of a qualifying

exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

The District shall use the Department of Labor form WH-384 (Qualifying Exigency) to satisfy requirements under this section.

The employee must provide the requested and complete certification to the District within fifteen (15) calendar days after the District's request.

4.6.8(b) Verification

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the District shall not request additional information from the employee.

However, if the qualifying exigency involves meeting with a third party, the District shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the District. The District also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

4.6.8(F) Military Caregiver Leave

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) weeks of paid/unpaid Military Family leave during a "single twelve (12)-month period" to care for the service member.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a combined total of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the District shall be

limited to a combined total of twenty-six (26) weeks of leave during the single twelve (12)-month period, if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered service member with a serious injury or illness.

4.6.8(b) Next of Kin Defined

The next of kin of a covered service member is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

4.6.8(c) Designating Leave

In the case of leave that qualifies as both leave to care for a covered service member and leave to care for a family member with a serious health condition during the single twelve (12)-month period, the District shall designate such leave as leave to care for a covered service member in the first instance. Leave that qualifies as both leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the single twelve (12)-month period will not be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

4.6.8(d) Certification

When leave is taken to care for a covered service member with a serious injury or illness, the District shall require an employee to obtain a certification completed by an authorized health care provider of the covered service member. Certification requests by the District shall be at the employee's expense.

The District, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the District's FMLA policy. However, second and third opinions and recertification, as outlined above in the District's FMLA policy, are not permitted for leave to care for a covered service member.

The District shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member.

The District shall use the Department of Labor form WH-385 (Serious Injury or Illness of Covered Service member) to satisfy requirements under this section.

The employee must provide the requested and complete certification to the District

within fifteen (15) calendar days after the District's request.

4.6.8(e) ITOs and ITAs Certification

The District, in place of the Department of Labor form WH-385, shall accept invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill service member at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered service member in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered service member regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered service member beyond the expiration date specified in an ITO or ITA, the District shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Service member)**, as requisite certification for the remainder of the employee's necessary leave period.

The District, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the District's FMLA policy. However, second and third opinions and recertification's, as outlined above in the District's FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The District shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member.

In all instances in which certification is requested, it is the employee's responsibility to provide the District with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

4.7 AMERICANS WITH DISABILITIES (ADA)

It is the policy of the Muncie Sanitary District that qualified individuals with disabilities not is excluded from participating in or benefiting from the services, programs, or activities of the District. It is the policy of the District not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement, or termination of employees; employee compensation; job training; and other terms, conditions, and privileges of employment. It is the intent of the District to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

The District will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the District or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. All employees are required to comply with safety standards.

Applicants who pose a direct threat, which cannot be eliminated by reasonable accommodations, to the health or safety of other individuals in the workplace, will not be hired.

Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the District ADA Coordinator (the District Administrator) on how the Muncie Sanitary District might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the District ADA Coordinator (the District Administrator).

4.8 MILITARY LEAVE

The District is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the District will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

4.8.1 Annual Training

A military leave of absence will be granted to all full-time District employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for

the Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (District) and military pay up to fifteen (15) days per year.

Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

4.8.2 Active Duty/Enlistment

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably.

The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, servicemembers may (but are not required to) use accrued vacation or personal leave while performing military duty.

Employees who are on active military duty leave and are under the District's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence, an employee will be reinstated to a District position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

Employees on such leave must notify the District of the intent to return to employment in accordance with all applicable state and federal laws.

4.8.3 Indiana Military Family Leave

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family leave under qualifying circumstances. In order for an employee to be eligible for Indiana

Military Family leave, the employee must have worked for the District for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours (including hours of overtime worked, excluding any paid time off) during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family leave may not exceed a total of ten (10) working days annually. Employees must notify their department head thirty (30) days in advance of the days they intend to take Indiana Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

The District may require verification of the military orders in order to approve Indiana Military Family leave.

Indiana Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family leave.

Indiana Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Military Family leave under the FMLA.

4.9 BEREAVEMENT LEAVE

An employee will be permitted time off from work with pay (for three [3] days in state, five [5] days out of state), for the purpose of arranging and attending the funeral of a member of his or her immediate family and/or step family. In the event of the death of an employee's spouse or child(ren), the employee will be permitted time off from work with pay for five (5) work days, regardless of whether the funeral is in or out of state. Bereavement leave may be used during a two (2) week period commencing with the date of death of the employee's immediate family member or memorial services.

The immediate family and/or step family is defined as the employee's spouse, child, parent, sister, brother, grandparents, spouse's grandparents, grandchild, in-law's (mother, father, sister, brother, daughter, son) and/or step. Bereavement leave of absence is not permitted where the family relationship was created by marriage and is terminated by divorce or annulment, or death of the spouse and the employee has remarried.

The employee is responsible for notifying the department head and requesting the dates off, and submitting proof of relationship if requested. All funeral leave requests with pay will be reviewed by the District Administrator or designee for approval.

Failure to provide notification prior to the start of the employee's shift on the date the funeral leave is to commence, failure to return to work on the regular working day following the funeral leave, or failure to submit proof of death/relationship, may result in funeral leave pay being denied. Personal leave and vacation may be used in conjunction with funeral leave upon approval by the department head.

4.10 SAVINGS BOND PROGRAM

The District shall provide to employees the opportunity for salary deduction to purchase U.S. Government Savings Bonds.

Anyone wishing to take advantage of this offer must sign the appropriate enrollment forms in the City Controller's Office.

4.11 EMPLOYEE CREDIT UNION

The District has entered an agreement with the Prime Trust Financial Federal Credit Union for services to District employees. The Credit Union offers many services. While the District encourages employees to use this service if they wish, the District does not actively participate in the management of the Credit Union. Further information can best be obtained by contacting the Credit Union directly.

4.12 COLD WEATHER PAY

Whenever a District employee is required to work outside for more than four (4) continuous hours and the temperature is less than ten degrees Fahrenheit (10° F), without wind chill, the employee shall receive an additional premium, as designated in the Salary Resolution, for the entire shift worked added to his or her hourly pay.

Any premium pay shall be included in the employee's regular rate for purposes of calculating the overtime pay premium for that employee during the work week in which the cold weather pay is earned.

4.13 JURY DUTY AND COURT APPEARANCES

The Muncie Sanitary District encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must provide a copy of the jury duty summons to their supervisor as soon as possible for the supervisor to make arrangements to accommodate the employee's absence.

The District grants employees up to one hundred and sixty (160) hours of leave with pay per jury duty service. Exceptions must be approved by District Administrator.

If an employee is called for jury duty in a court of law during any portion of the employee's regular scheduled working day, the employee shall be compensated their full salary.

The employee shall be expected to report for work the next work day following jury duty. The employee will be paid by the District their regular, hourly pay for an eight (8) hour work day for each day of jury duty. Any pay received by the employee for their jury duty shall be paid over to the District by the employee immediately upon the employee's receipt of such pay.

4.13.1 COURT APPEARANCES

The District will grant leave with pay to an employee who is subpoenaed as a witness to present

testimony at the request of or on behalf of the District in connection with the employee's official duties.

An employee subpoenaed as a witness in a civil or criminal proceeding, except as described above, may be granted leave without pay for the period necessary to present testimony, without being charged against any other leave when it is not in connection with the employee's official duties. An employee may use paid vacation and/or personal time during such leave.

Upon being subpoenaed by the Court to testify, the employee shall immediately inform his or her supervisor by presenting a copy of the subpoena. After testifying the employee should verify the time involved.

The District will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against vacation, personal leave, or compensatory time as applicable. The employee shall be expected to report for work the next day following jury duty. The employee will be paid by the District their regular, hourly pay for an eight (8) hour work day for each day of jury duty. Any pay received by the employee for their jury duty shall be paid over to the District by the employee immediately upon the employee's receipt of such pay.

An employee subpoenaed in a civil or criminal proceeding is expected to return to work on his or her first regularly scheduled work day after the day his or her obligation ends. Failure to return on the first regularly scheduled work day after the obligation ends results in termination of employment absent a qualifying reason under this Handbook.

The District will continue to provide all regular benefits for the full term of jury duty and court appearances allowed under this policy.

4.14 WORKERS' COMPENSATION

The District provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits shall accrue.

Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

An employee must use up to five (5) days combined of paid vacation leave, paid personal/sick leave, or Sick Bank leave for the first week of a continuous absence due to an illness or injury compensable under the Indiana workers' compensation law. In the event those days are later covered by the District's workers' compensation insurance, the employee will not be permitted to credit those days back to his vacation, personal leave, or sick leave accrual Bank.

Any employee who reports an injury, is injured or becomes ill on the job must inform his/her department head immediately, and the department head shall inform the District

Administrator. Any employee who reports and injury, is injured or becomes ill on the job that requires medical, surgical or hospital treatment shall be subject to an immediate, or as soon as possible given the injury or illness, drug screen.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

Employees should contact their department head to obtain information and forms regarding filing an incident report. Medical certifications are required. Once completed, all such forms are to be filed directly with the Health Insurance Office.

As specified by Indiana workers' compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8th) day. However, on the twenty-second (22nd) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

However, if the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability. Certain injuries are excluded from workers' compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the District or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the District.

While an employee is on workers' compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work with no restrictions.

Current employees returning to work after an absence due to an injury or illness may be required to undergo a fitness for duty test as a condition of returning to work. Additionally, MSD may require an employee to undergo a fitness for duty test if it has genuine, legitimate reasons to doubt the employee's capacity to perform his/her job duties or the employee will pose a direct threat due to a medical condition. Any fitness for duty test required pursuant to this policy must be job-related and consistent with business necessity and be narrowly tailored to determine whether the employee is able to perform his/her job with or without a reasonable accommodation. Under no circumstance shall the fitness for duty test be used as a way to assess whether the employee has a disability or what the severity of the medical condition may be but may be utilized to obtain disability-related information designed to help assess whether the employee can safely and properly perform his or her job responsibilities.

MSD reserves the exclusive right to choose the provider to conduct the fitness for duty test.

4.15 EMPLOYEE INSURANCE

4.15.1 Health Insurance

The District provides group health insurance for all full time employees. Health Insurance for the employees, whether single or with dependents will require a payment in part by each employee covered. A summary of the Group Health Insurance benefits is provided in a separate handout.

Employees are encouraged to make appropriate arrangements with payroll prior to the commencement of any extended leave of absence without pay for the payment of the employee's portion of the bi-weekly health insurance premium payment as well as any other payroll deductions the employee may have.

Failure to make appropriate arrangements for the payment of health insurance premiums or failure to pay those health insurance premiums when due, may result in the termination of health insurance coverage.

4.15.2 Retiree Insurance

The District provides its group health insurance plan to each retiree of the District who shall have reached fifty-five (55) years of age on or before the employee's retirement date and who will not be eligible on that date for Medicare and who will have completed at least twelve (12) years of service with the District. To participate in the group insurance program, the retiree must pay a monthly amount equal to that of the current "Retiree Under Age 65" premium as determined by MUNCIE SANITARY DISTRICT. This amount will be based on single insurance coverage, employee + 1, or family if the insured chooses to insure his/her spouse and/or family members. The retiree must also file a written request on behalf of himself and any other eligible family members who wish to be insured on the District's group policy within ninety (90) days of the retirement date.

A retired employee's eligibility to continue on the District's group health insurance ends when the employee becomes eligible for Medicare coverage. However, if the retired employee has elected to have the employee's spouse covered under the group health insurance of the District

at the time of the employee's retirement, then the spouse shall remain eligible to participate in the District's group insurance plan and must pay the required monthly amount equal to that of the current "Retiree Under Age 65" premium as determined by MUNCIE SANITARY DISTRICT. The spouse shall remain eligible to participate in the District's group insurance plan and the spouse's subsequent eligibility to continue in the group health insurance plan will not be effected by the death of the retired employee. The surviving spouse's eligibility ends the earliest of (i) when the spouse becomes eligible for Medicare coverage or (ii) two years after the date of the retired employee's death or (iii) the date of the spouse's remarriage or (iv) the date the District terminates its group health insurance plan.

Once a retired employee is eligible for Medicare Part B due to reaching retirement age (age 65), that person shall be eligible to participate in the District's Medicare supplement group policy as long as the retiree will have completed at least twelve (12) years of service with the District. To participate, the retiree must pay a monthly amount equal to that of the current "Retiree Over Age 65" premium as determined by MUNCIE SANITARY DISTRICT. Once a spouse of a retired employee is eligible for Medicare Part B due to reaching retirement age (age 65), the spouse shall be eligible for the District's Medicare supplement group policy. The spouse must pay the entire amount of the Medicare Supplement premium as billed to MUNCIE SANITARY DISTRICT by the Medicare Supplement carrier.

4.15.3 Long-term Disability Insurance

The District provides long term disability insurance for all eligible full-time employees of the District. This coverage is effective the date of hire and is designed to replace a reasonable portion of a disabled employee's salary during extended periods of disability

The long term disability coverage is governed by the underlying plan document. A copy of the summary plan can be obtained from the District Administrator.

4.16 EMPLOYEE ASSISTANCE PROGRAM

The District recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate care.

The Employee Assistance Program is available to provide the necessary counseling, evaluation, and referral services.

The program is designed to deal with the broad range of human relation problems such as alcohol and drug problems, emotional and behavioral disorder, family and marital discord, and other personal problems.

For the purpose of this program, it is the District's policy that personal illnesses will be defined as treatable illnesses that can be solved or cured. The program is designed to assist the employee or any member of his or her immediate family by referring the individual to seek appropriate assistance.

The employee health insurance plan contains provisions to partially pay for the treatment

required. No other payment will be made by the District for such services.

The employee will not jeopardize his or her standing with the District in items, such as wages, benefits, length of service, and promotions by participation in this program.

The overall objective of the Employee Assistance Program is to reduce problems in the work force and to retain valued employees.

Voluntary involvement in the Employee Assistance Program shall not be used in place of appropriate discipline as defined by the District. Employees engaged in inappropriate workplace drug or alcohol use, according to this handbook, shall be subject to disciplinary action, up to and including termination. All information pertaining to these matters will have the same confidentiality as other medical and personal information.

4.17 WELLNESS PROGRAM

The Muncie Sanitary District has initiated a Health and Wellness Program to provide its employees with a safer and healthier workplace.

The Wellness portion is at no cost to the employee and will be conducted on site during working hours when possible. Blood tests, blood pressure checks, and body composition tests will be ran on all employees who wish to participate on a voluntary participation basis.

The District has determined that it will provide a fitness program for its employees. The District is committed to providing interested employees with opportunities to achieve and maintain physical fitness to the fullest extent possible. The Muncie Sanitary District Physical Fitness Program is intended to assist in minimizing the risks for premature morbidity, mortality and disability to foster healthy lifestyles and support a healthy work environment.

The Muncie Sanitary District Physical Fitness Program is designed to provide interested employees access to fitness training while not dictating the form and source of that training. The District will reimburse an employee for a portion of the employee's membership fee to a fitness center of their choice. The specific portion of the monthly membership fee and joiner fee eligible for reimbursement is established by the Board.

After the initial six (6) month period the employee will be reimbursed by the District as follows:

- a. The District will reimburse up to \$35.00 per month either annually or semi-annually and a one-time joiner fee up to \$60.00. The joiner fee will only be paid one (1) time per employee. An additional \$15.00 per month will be reimbursed if an employee participates in any wellness activities which require an additional fee and are offered at the fitness center the employee is a member of. Annual membership fees will not be reimbursed.
- b. It is the employee's responsibility to obtain verification of visits to their fitness center that show the employee attended a minimum of forty-eight (48) times during the six (6) month period. (An employee must attend the fitness center for each month the employee is seeking reimbursement). This verification must be given to the District's Health and Wellness designee with a copy of the receipt of payment and a completed MSD Health/Fitness Center Reimbursement Form.

Verification of visits must be provided by the fitness center (hand written logs will not be accepted as verification).

- c. It is the employee's responsibility to obtain payroll reports if membership fees are payroll deducted.
- d. Attendance at a fitness center must be scheduled outside of working hours.

If an employee allows his or her membership to lapse to the point the joiner fee has to be paid again, the District will not reimburse the employee.

In intervals of six (6) months, the employee will be reimbursed if his or her attendance stays within the minimum required.

4.18 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

The Muncie Sanitary District is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

The District has designated the Health Care Administrator as the District's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The Health Care Administrator is the contact person who is responsible for receiving complaints regarding compliance.

All District HIPAA inquiries shall be directed to the Health Care Administrator.

4.19 BENEFITS CONTINUATION (COBRA)

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA), permits employees leaving their employer to have the option of continuing some of their benefits (health and dental insurance) at their own expense.

A person employed by the District, enrolled in the employee health plan, can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment.

The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage under Medicare. Similar circumstances would permit the child of a separated employee to continue coverage.

Coverage may be continued for eighteen (18) months, and in some circumstances, up to three (3) years. The Health Care Administrator will be able to provide more information on the COBRA options for affected employees and dependents.

4.20 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

Eligible employees are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement,

death and, in certain cases, serious illness or injury. The District contributes a percentage of employees' gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the District based on an employee's length of employment, average salary, and age at retirement. Questions concerning the program should be directed to the City Controller and/or the Public Employees' Retirement Fund of Indiana.

4.21 EMPLOYEE TRAINING

To receive reimbursement for an approved job related certification, training, class, and/or seminar an employee must submit, in writing, proof of such passage to their department head. The department head or District Administrator shall approve all job related certifications, trainings, classes, and seminars eligible for reimbursement before an employee registers for such items. An employee may register for other job related items not stated above with the prior approval of the department head or District Administrator.

If an employee of the District is registered to attend, including but not limited to, any training, class, and/or seminar that is paid for by the District and fails to complete or attend the event without prior approval from the department head or District Administrator, the employee may be subject to the following:

- a) Repayment of all event fees including registration cost, room fees, transportation costs, etc.; and/or
- b) Prohibited from attending any District sponsored event until repayment is made in full.

If an employee has unanticipated emergency circumstance, including but not limited to, personal injury, illness, or death in the family, the employee must inform their immediate supervisor. It will be at the discretion of the department head or District Administrator if the employee has to repay the District the cost of the event.

If an employee is registered to attend an event and discovers in advance they will be unable to attend such event, they must provide, in writing, to their immediate supervisor the event they were scheduled to attend, the date(s) of the event, and the reason they are unable to attend. After review, the department head or District Administrator shall decide if the employee has to repay the District the cost of the event.

Some training and classes require the employee to pass a test to obtain certification at the end of the event. If an employee completes the event, but fails to obtain the required certification, they shall not be subject to repayment. However, the department head or District Administrator may deny a request for such employee to attend the same, or similar, event in the future.

An employee's failure to attend such training shall be subject to disciplinary action up to and including termination.

4.22 CLOTHING ALLOWANCE

Employees are approved up to \$300 per approved position per year for work clothing.

4.22.1 Cold Weather Gear

Cold weather gear may be purchased by those employees whose work duties require them to be outside in cold weather for extended periods of time. Cold weather gear consists of jackets, pants, one-piece jump suits, thermal socks, hats/knit caps and thermal underwear. No special graphics will be allowed (such as sports team logos, ect.). The Department Head will provide a list of possible positions that would need cold weather gear to the Administrator by January 1 of each year for approval prior to purchases.

4.22.2 Boots

Boots will either steel toed or reinforced toe. Department Heads will provide a list of position requiring boots to the Administrator by January 1 of each year for approval prior to purchases.

4.22.3 Clothing, Pants/Shirts

All clothing allowance purchases must conform to the uniform requirements of the employee's position. Approved clothing consists of t-shirts, dickie shirts, polo shirts (no graphics will be allowed other than the MUNCIE SANITARY DISTRICT logo), blue jeans, shorts (must be hemmed by manufacturer) and dickie pants. All tops must have the department and/or MUNCIE SANITARY DISTRICT logo which will be included in the total \$300 allowance. The Department Head will provide a list of possible positions that would need cold weather gear to the District Administrator by January 1 of each year for approval prior to purchases.

All clothing, boots, cold weather gear must be approved by the Department Head prior to purchases. Clothing purchased by the District must be worn at all times while at work.

4.23 CLOTHING REIMBURSEMENTS

A clothing reimbursement of 50% of purchases up to \$150.00 (total amount of personnel and MUNCIE SANITARY DISTRICT portions) per year will be provided for all full-time employees of the Muncie Sanitary District for clothing with the MUNCIE SANITARY DISTRICT logo. No pants are to be purchased under this portion of the Clothing Policy. The amount of allowances will be reimbursed with receipts to the employer. No employee who receives a clothing allowance will be eligible for the reimbursement program.

+All clothing purchased must conform to the guidelines in Chapter 6, Section 6.3 - Personal Appearance.

5. WORKING CONDITIONS

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

5.1 SAFETY

Establishing and maintaining a safe work environment is the shared responsibility of the District and employees from all levels of the organization. The District will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. They shall immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Muncie Sanitary District are expected to correct unsafe conditions as promptly as possible. All accidents shall be reported to the employee's department head immediately and the department head shall inform the District Administrator within twenty-four (24) hours, regardless of how insignificant any injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

5.1.1 Safety Vests

Every employee in specific departments and specific job positions will be issued one (1) safety vest and will be required to wear it at all times in compliance with ANSI-ISEA standard 107-1999 as well as 29 CFR 1910.132.139. An employee who does not have his vest at the start of work will not be permitted to work that day. If an employee does not wear his vest during working time, the employee will be subject to disciplinary action. Repeated violations will result in termination of employment.

The District will pay the cost of replacing damaged safety vests as required. The employee must pay the cost of replacing lost safety vests.

5.1.2 Safety Glasses

Employees are required to wear safety glasses during working hours in specific departments and job positions. Standard non-prescription safety glasses are provided by the Sanitary District.

Employees needing prescription glasses will need to obtain their prescription from their optometrist and present the prescription to the designated optical facility which will order and bill the Sanitary District for the prescription safety glasses. Any charges by the employee's optometrist, including the eye examination, must be paid by the employee.

The Sanitary District will pay the cost of replacing damaged prescription safety glasses. The

employee must pay the cost of replacing lost prescription safety glasses.

5.1.3 Hazard Communication.

The Muncie Sanitary District complies with the OSHA Hazard Communication Standard, as adopted by the Indiana Occupational Safety and Health Administration. In accordance with that standard, the District has developed and implemented a written hazard communication program together with related documents. Copies of the program and related documents are kept at each location. The District Administrator has overall responsibility for the program.

5.2 THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSH ACT)

It is the policy of the District to establish and maintain conditions of work which are reasonably safe and healthful for employees, and free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. The State of Indiana has adopted a State Plan for occupational safety and health which follows the federal OSHA regulations; therefore, it is the intent of the District to comply with all applicable requirements under the Indiana Occupational Safety and Health Act (IOSHA).

Each Department has developed a Departmental Safety Plan outlining requirements under the IOSHA. The District shall comply with all reporting and recordkeeping requirements under State law.

5.2.1 Bloodborne Pathogens

District employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The District will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that District employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV.

This control plan is available for all District employees and is located in each department. Employees, who fail to follow the plan, including workplace and engineering practice controls, shall be subject to disciplinary action up to and including termination.

5.3 LACTATION SUPPORT

The District provides support to breastfeeding mothers who wish to take breaks during their workday in order to express milk when separated from their infant child.

Breaks may only be taken by full-time employees. In addition, breaks for this purpose are not in addition to any other break periods that may be allowed in a department. A full-time employee who is breastfeeding will be provided up to two break periods per day in order to express milk for her infant child.

If an employee wishes to take breaks for this purpose, she should discuss this with her immediate supervisor. The employee and the supervisor will also discuss the schedule of such breaks, and the schedule must be approved in advance by the supervisor.

The District will provide a private Lactation Room that an employee may use. If an employee works at an off-site facility, she should check with her supervisor in regard to the location of the area to be used, which shall be a private location.

Expressed milk may be placed in a refrigerator or other cold storage space provided by the District for that purpose. As an alternative, the employee may choose to provide her own portable cold storage device for keeping milk that has been expressed until the end of her work day. If the employee provides her own unit, approval from her supervisor must be obtained in regard to where that unit is placed in the department.

Each employee must label her storage pack with her name and the date. In addition, all breast milk is to be removed at the end of the employee's work day. Employees should use consideration when sharing the room and refrigerator with others. The District is not responsible for any loss or theft of expressed milk or items left in the Lactation Room, any storage unit, or any areas used for this purpose. Additional rules for use of the room and refrigerator storage may be posted in the room.

5.4 USE OF TELEPHONES AND DISTRICT MAIL

Personal telephone calls should be limited in frequency and duration. Personal use of District telephones and fax machines for long-distance calls is not permitted, except for emergencies.

For any emergency personal use, employees shall reimburse the District for all long-distance charges. All other non-emergency long-distance calls shall be approved by his/her department head before being conducted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at work.

Misuse, abuse, or excessive personal use of District mail or telephone system will result in progressive discipline, up to and including termination.

5.5 USE OF CELLULAR PHONES

The purpose of this policy is to promote a safe and productive work environment and increase public safety. This policy applies to both incoming and outgoing cellular calls.

A. Employees may be issued District-owned cell phones for use in the performance of their job duties. Employees using a District-owned cell phone shall not download any program or application, use directory assistance, or engage in any activity outside of the District's cell phone plan. If an employee's cell phone use is greater than the

District's plan for employees, the employee must reimburse the District for any additional charges.

B. Monthly statements of District-owned cell phones shall be reviewed for adherence to this policy. Employees who continually receive charges, outside the District's plan for employees, on their District-owned cell phones, shall be subject to disciplinary action, up to and including termination.

C. Cell phones shall be turned off or set to silent or vibrate mode during meetings, conferences, and in other locations where incoming calls may disrupt normal workflow.

D. Employees may carry and use personal cell phones while at work on a sporadic basis. If employee use of a personal cell phone causes disruptions or loss in productivity, the employee may be subject to disciplinary action. The District Administrator reserves the right to request that the employee provide cell phone bills and usage reports for calls made during the working hours of that employee to determine if use is excessive.

5.5.1 Use of Cellular Phones and Electronic Devices While Driving

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of District vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting District business. This policy applies to all uses of cellular phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees should not use hand held cellular phones for business purposes while driving. Should an employee need to make or receive a business call while driving, using a District-owned cell phone, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

No employee shall text message while operating District or private vehicles or equipment while on District work time or while conducting District business.

5.6 USE OF INFORMATION TECHNOLOGIES

Computers, computer files, networks, hardware, software, and District-owned cell phones are Muncie Sanitary District property intended for business use. To retain privileges of network access, each user of District information technologies is expected to meet certain responsibilities and honor certain limitations. Additional responsibilities may be associated

with specific networks.

Any network traffic exiting the District is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows. Employees should immediately report any known violation of this policy to their department head. Questions concerning these policies should be directed to the employee's department head.

5.6.1 System Security

Employees are responsible for the use of their accounts and security of their passwords. As such, an employee may not give anyone else access to his/her account, or use a District computer account assigned to another user. A user must not attempt to obtain a password for another employee's computer account. If an employee suspects someone knows his/her password, the employee should contact the department head or District Administrator immediately.

Employees shall not use the network resources of the District to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes. Employees may not place on any District-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

Violations of this policy are subject to disciplinary action, up to and including termination.

5.6.2 Software Licenses

Muncie Sanitary District purchases and licenses the use of various computer software for business purposes and does not own the copyright to the software or its related documentation. Unless authorized by the software developer, the District does not have the right to reproduce such software for use on more than one (1) computer.

Employees may only use software on multiple machines according to software license agreements. The District prohibits the illegal duplication of software and its related documentation. No licensed or unlicensed software may be installed on Muncie Sanitary District computers that have not been authorized by the District.

Employees should immediately report violations of this policy to their department head. District employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

5.6.3 Prohibited Uses of Information Technologies Resources

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited. Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks. This includes, but is not limited to, tampering with

components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the District, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited to, the classes of programs known as computer viruses, such as "Trojan horses" and "worms". Violations of this policy are subject to disciplinary action, up to and including termination.

5.7 USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL)

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination.

Violations of federal, state, or local laws resulting from the use of District information technologies will result in referral to the appropriate legal authorities.

To ensure compliance with this policy, computer and e-mail use may be monitored. The District reserves the right to intercept, monitor, access, copy, review, or download any communications or files created or maintained on e-mail or internet systems. This includes, but is not limited to, the restoration of files which have been previously "deleted," as well as monitoring all web pages visited by employees. Employees should not assume any electronic communication is "private," and should transmit information considered by them to be highly confidential in other ways. All information composed, transmitted, received or stored via District computer systems should be and is considered property of the District. Such information is subject to disclosure to management, law enforcement, and other third parties, with or without notice to the employee.

Muncie Sanitary District strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees. Therefore, the District prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually-explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Employees should immediately report any violation of this policy to their department head. Questions concerning these policies should be directed to the employee's department head and/or the District Administrator.

5.7.1 Internet Access

Access to the internet is provided for business related purposes. Personal use of such equipment and software shall be limited in frequency and duration and shall not interfere with an employee's assigned duties.

The internet is a worldwide network of computers containing millions of pages of information

and many diverse points of view.

Due to its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The District cannot control the availability of this information or completely restrict access to it.

Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the District. Muncie Sanitary District will not be responsible for any damages, direct or indirect, arising out of the use of its internet resources.

District employees who violate this policy are subject to disciplinary action, up to and including termination.

5.7.2 Downloading From the Internet

All material downloaded must be authorized by the IT Department. All other downloads are prohibited. All material downloaded from the internet or from computers or networks that do not belong to Muncie Sanitary District MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their department head and/or the IT Department for the proper scanning process. Any questions should be referred to the IT Department prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to and including termination.

5.7.3 Electronic Mail (E-Mail)

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The Muncie Sanitary District e-mail system is subject to public records laws and certain e-mails to and from District employees may be deemed public records.

The e-mail system may be monitored when the District deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed. Violations of this policy are subject to disciplinary action, up to and including termination.

5.7.4 Prohibited Uses of the Internet

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. Employees encountering such material should report it to their department head immediately. Employees are responsible for the material they review and download on the internet.

Employees may not use District internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. District e-mail resources may not be used to forward chain letters. Employees may not disseminate District property or confidential information via the internet.

All messages communicated on the internet shall have the employee's name attached to such message. No messages will be transmitted under an assumed name.

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Muncie Sanitary District. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

The District maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any message or file created, stored, and/or sent using the District's computer or communications equipment is Muncie Sanitary District property. Employees should have no expectation of privacy in any message stored, received, or sent using Muncie Sanitary District equipment.

5.7.5 Social Media Policy

WHY IS THIS NESECARY?

The mission statement of the Muncie Sanitary District states, "To serve the citizens of the Muncie Sanitary District in the most cost effective and efficient manner possible. To listen to the citizens' needs and to look for solutions to their concerns." Social media outlets allow for two-way communication between an organization and its publics. It can be an effective medium to share information and provide solutions to any customer questions or concerns. Today, there is not a clear distinction between a person's personal and professional online personas. This social media policy has been created to clear up the gray area of posting on behalf of the MSD and as a representative of the MSD.

As social media continues to evolve, so will this policy.

WHO IS COVERED BY THE POLICY?

The Muncie Sanitary District's social media policy applies to the individuals who speak on behalf of the MSD, in addition to all employees of the MSD.

WHAT CONSTITUTES SOCIAL MEDIA?

The term social media encompasses more than just the well-known social media networks.

Social media platforms include, but are not limited to:

- Facebook
- Twitter
- YouTube
- Flickr
- Foursquare
- Google+
- MySpace
- LinkedIn
- Personal websites and blogs
- Wikis
- Forums

Posting on social media platforms includes posting original content in any format (blog post, comments and images) and sharing content created by others.

COMMUNICATING ON BEHALF OF THE MUNCIE SANITARY DISTRICT

When interacting on social media websites on a Muncie Sanitary District account, follow these guidelines:

- Accuracy – Before posting anything, check your facts. Most social media websites allow users to delete content they have posted. News travels quickly through social media platforms. Once something is posted on the internet, it is there forever. Additionally, check outside links before posting them to make sure they work and do not contain viruses.
- Corrections – If a mistake is made, be quick to fix it. Remain transparent with the audience throughout the process. Admit to making the mistake, then post the correct information.
- Honesty – Never pretend to be someone you are not. Do not create false profiles to post, comment or like on social media sites in favor of the MSD.
- Interactions – Do not like, friend or follow any compromising entities on social media.
- Privacy – Comply with all rules laid out the Muncie Sanitary District's Privacy Policy. Never reveal any confidential information of the MSD. Never post any information that would compromise the privacy or security of MSD customers.
- Respect – Never criticize competitors, customers, former or current employees of the MSD or anyone in office. Never post anything you wouldn't want a journalist to ask you about.
- Responsibility – You are responsible for the content you post. You will be held responsible for any derogatory or demeaning comments you have posted. Violations of this policy will be subject to legal or disciplinary action.

PERSONAL USE OF SOCIAL MEDIA

When using personal social media accounts, be mindful that you are a Muncie Sanitary District employee and represent the District.

- Responsibility – You are responsible for the content you post. Use common sense when posting. Do not use personal social media during work hours. Do not comment on any MSD related forums or posts on any social media platforms unless you are the official MSD spokesperson. Do not share confidential information with anyone. Do not use your work email for personal communication. Be mindful that all emails are public record due to the Freedom of Information Act (FOIA). On personal social media sites, it may be necessary to include a

statement saying that the views are your own and do not necessarily reflect the views or opinions of the Muncie Sanitary District.

- Respect – Be respectful when talking about the MSD. Do not post negative comments about the MSD or other MSD employees. Additionally, show respect to your audience. Do not insult individuals or groups based on race, religion, gender, political party, etc.
- Be thoughtful – Think before you post. Once something is on the internet, there is no way to take back that information. Even if the information is deleted, it may have already been seen or shared by others. When contacting individuals through private messages, be careful of what is said. Any private conversation can go public. If you post inaccurate information, be the first to admit and correct your mistake.
- Awareness – Be aware of what is being said about the MSD on social media platforms. If relevant, report this information to a supervisor.

5.7.6 Reporting Child Pornography

An employee who knowingly makes available to another matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law. Violations shall be reported to the District Administrator or Sanitary Board member and are subject to termination. Questions regarding this policy should be directed to District Administrator.

5.8 DRUG-FREE WORKPLACE FEDERAL MOTOR CARRIER SAFETY REGULATIONS/SAFETY SENSITIVE POSITIONS DRUG AND ALCOHOL POLICY

The Muncie Sanitary District's drug and alcohol program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the Health Care Administrator.

Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration greater than .00. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
 - a. All time spent at a facility waiting to be dispatched;
 - b. All time inspecting, servicing, or conditioning any commercial vehicle in operation;
 - c. All driving time or time spent at the driving controls of a commercial vehicle in operation;
 - d. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completing of any related paperwork; and remaining in readiness to operate the vehicle;
 - e. All time performing those duties required of an employee involved in a vehicle accident; or
 - f. All time spent repairing, assisting, or attending to a disabled motor vehicle;

2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol or controlled substances.
3. No employee shall use alcohol or controlled substances while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within 4 hours after using alcohol or controlled substances.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

No employee shall report for duty or remain on duty while the employee uses any controlled substance, except when the use is pursuant to the written approval of Medical Review Officer (MRO) or Prescription Review Officer (PRO) who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the Muncie Sanitary District with proof of such medical advice.

Prescription Drug Use

1. Protocol for District Employee Medication Status Form
 - a. All District employees who perform safety sensitive duties, including but not limited to driving MSD vehicles, shall complete the MSD Employee Medication Status Form.
 - b. Employees who are prescribed a new medication that is not listed on your original MSD Employee Medication Status Form shall complete a new form.
 - c. Completed Medication Status Forms should be returned to the Designated Employee Representative (DER) for submission to the Prescription Review Officer (PRO).
 - d. A Muncie Sanitary District Waiver of Vehicle Use Form is completed if you do not complete the Muncie Sanitary District Employee Medication Status Form. The signed waiver must be returned only to the Muncie Sanitary District's DER.
 - e. If you have questions regarding the protocol please contact the DER.
2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must have written approval by the Medical Review Officer (MRO) prior to starting work or entering any Muncie Sanitary District premises.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the Muncie Sanitary District will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of employer's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure or decline to take an additional drug test the employer or collector has directed you to take.
7. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. For an observed collection, fail to follow the observer's instruction to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Admission to the collector or MRO by the employee that they adulterated or substituted their specimen.
12. A report from the MRO of a verified adulterated or substituted test result.
13. Refusing to sign step two (2) of the alcohol testing form.

Types of Tests

Pursuant to regulations promulgated by the Department of Transportation (DOT), the Muncie Sanitary District has implemented six circumstances for drug and alcohol testing: pre-employment (drug testing only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing.

1. Pre-employment Testing

As a condition of employment, the employee applicant shall provide the Muncie Sanitary District with a written authorization for all previous employers within the past three (3) years to release drug and alcohol testing records as the DOT and FMCSA regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the Muncie Sanitary District obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous three (3) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

2. Random Testing

The Muncie Sanitary District conducts random drug and alcohol testing. The Muncie Sanitary District will submit all employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The Muncie Sanitary District will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The Muncie Sanitary District will select, at a minimum, ten (10) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a Muncie Sanitary District official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

3. Post-Accident Testing

Following any accident, the employee must contact Muncie Sanitary District as soon as possible. The employee must submit to a drug and alcohol test any time he or she is involved in an accident.

The employee shall follow the instructions from the Muncie Sanitary District or its representative to complete required testing.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The Muncie Sanitary District may request testing documentation from such agencies, and may ask the employee to sign a release allowing the Muncie Sanitary District to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the Muncie Sanitary District to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

4. Reasonable Suspicion Testing

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

- a. Confront the employee involved, and keep under direct observation until the situation is resolved.
- b. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in a refusal to test violation and disqualification from performing any safety-sensitive function.
- c. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
- d. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
- e. The DER shall remove or cause the removal of the employee from the Muncie Sanitary District-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a Muncie Sanitary District vehicle until a confirmed negative test result is received.

5. Return to Duty Testing

A return to duty test will be required for all employees who have violated this policy (test positive, have an adulterated or substituted specimen or refuse to test). The employee may not return to duty until he or she passes (tests negative) a drug test and/or tests below a .02 for breath alcohol and the MRO or SAP and the Muncie Sanitary District have determined that the employee may return to duty.

6. Follow-up Testing

Any employee who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum six follow-up tests will be required within

the first twelve months following an employee's return to work, and less frequently during the next 4 years. Employees covered by a DOT agency will be tested in accordance with DOT regulations and the recommendations of the substance abuse professional.

Controlled Substance Testing Protocol

Urine Collection Procedures

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
 - a. The previous specimen provided by the employee is determined to be invalid and the MRO has ordered a re-test.
 - b. The previous specimen provided by the employee is determined to be negative-dilute with a creatinine value >2 mg/dl but <5 mg/dl.
 - c. The collector observes evidence of an employee's attempt to tamper with the specimen.
 - d. The temperature of the specimen is out of range.
 - e. The specimen appears to have been tampered with.
6. Observed collections are required on return-to-duty and follow-up tests.
7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
8. If the employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
 - a. The term "shy bladder" or "bashful bladder" is used when an individual is unable to provide a specimen either upon demand or when someone is nearby during the attempted urination. The following guidelines specify procedures to follow when a donor claims he or she cannot provide a specimen.
 - b. If a donor tells the collector, upon arrival at the collection site, that he or she cannot provide a specimen, the collector must still begin the collection procedure regardless of the reason given and request the donor try and provide a specimen. At the point in the collection procedure where the collector and donor unwrap/open the collection container, the collector does the following:
 1. Request that the donor go into the restroom and try to provide a specimen. (If an observed collection, consistent with MSD's observed collection procedures, the observation will not be more intrusive than is allowed under the law.) The donor demonstrates his or her inability to provide a valid specimen when he or she comes out of the restroom with an empty collection container. A record should be made of each attempt (time of each attempt and quantity).

2. Begin a "Shy Bladder" collection procedure:
 - i. The donor is offered a reasonable amount of fluid to drink, distributed reasonably through a period of up to 3 hours, or until the donor has provided a sufficient amount of urine, whichever occurs first.
 - i. The donor should be offered 8 oz. of fluid every 30 minutes up to a maximum of 24 oz. (to avoid the possible risk of water intoxication) or until the donor has provided a sufficient urine specimen.
 - ii. The donor must remain under the direct observation of the collector to prevent the donor from possibly compromising the collection process.
 - iii. If the donor refuses to attempt to provide a specimen or leaves the collection site before the collection process is completed, the collector must discontinue the collection, record a refusal to test on the Remarks line of the Federal CCF, and immediately notify the agency's designated representative of the situation.
 - iv. If the donor declines to drink fluids, it is not a refusal to test.
 - v. Under no circumstances can a collector combine specimens collected from separate voids to create one specimen of sufficient volume. The collector must discard any inadequate specimen and the specimen bottle/collection container that was used for the void.
3. Instruct the donor to let you know when he or she is able to provide a sufficient quantity of specimen. It is recommended that you allow sufficient time to have only one additional attempt rather than having to document several unsuccessful attempts. Be sensitive to how frequently you ask a donor to attempt to provide a specimen.
4. Record the time of each attempt to provide a sufficient volume of specimen.
5. If the donor is unable to provide a sufficient volume of specimen in three hours from the time the donor first demonstrated that he or she was unable to provide a sufficient volume of specimen, discontinue the collection and proceed to alternative testing.
6. Alternative Testing. If a valid test result cannot be produced by a urine specimen and a negative test result is required, the donor will be required to submit to a blood test to determine if the donor is an illicit drug user. The blood test will be administered by normal medical procedures for taking blood samples and only by a qualified professional or technician and only at a suitable physical location. The results of the test will not be released to MSD unless the test is positive for illicit drugs. Testing results will not be provided to law enforcement agencies unless otherwise ordered by a court of competent jurisdiction. Refusal to provide the blood sample will be deemed a refusal to comply with MSD's drug testing policies.

9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

Laboratory Procedures

Drug testing will be performed through urinalysis. Urinalysis will test, at a minimum, for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates (including codeine, morphine & heroin), amphetamines (including methamphetamines, MDMA, and MDA) and phencyclidine (PCP). You will also be tested for four (4) semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone and oxymorphone) and their metabolites.

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

Validity Testing

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and PH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required. All laboratory results will be reported by the laboratory to a MRO designated by the Muncie Sanitary District or its agents.

MRO Procedures

1. All tests results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the Muncie Sanitary District by the MRO.
3. Positive, adulterated, substituted or invalid results will generally be handled as follows (see 49 CFR Part 40 for more details):
 - a. Before reporting a positive, adulterated or substituted test result to the Muncie Sanitary District, the MRO shall:
 - i. Contact the employee directly.
 - ii. The employee shall be provided an opportunity to discuss the test with the MRO.
 - iii. If reasonable attempts to contact the employee are unsuccessful, the MRO may report the positive screen to MSD after ten (10) days. If the employee declines to discuss the test results, or if contact is made and the employee fails to respond within seventy-two (72) hours, the MRO may report the positive test to MSD.
 - iv. If the employee is taking medication pursuant to a legally valid prescription, prior to informing the DER, the employee shall be provided five (5) business days from the date of the "verified negative result" to have the employee's prescribing physician contact the MRO. The MRO and the prescribing physician shall determine if the

medication can be changed to one that does not render the employee "medically unqualified" or does not pose a significant safety risk. If, after communication with the employee's prescribing physician, in the MRO's reasonable medical judgement, a medical qualification issue or a significant safety risk remains, or within five (5) days, whichever is shorter, the MRO must report to MSD the test results and medical information learned.

Diluted Specimens

If a test is reported as negative and diluted, it will be the policy of the Muncie Sanitary District to require an immediate recollect for another test. The employee will be given the minimum possible advance notice to report for another test. The result of this second test will become the test of record. If the second test is also negative and diluted the test will be accepted as a valid test and no additional testing will be required. If the employee is directed to take another test and declines to do so, this will be considered a refusal to test and have the consequences of a refusal to test.

Medical Information Disclosure

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the Muncie Sanitary District and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

Safeguards for the integrity of the drug testing process

1. The collector must obtain photo identification from the employee or identification by supervisor prior to administering the test.
2. The employee will be asked to wash their hands.
3. The employee signs the chain of custody form signifying the correctness of data for test reporting.
4. Electronic communication of test results from the laboratory into the MRO reporting system with no external human intervention.
5. The specimen container and specimen bottles are individually wrapped and unwrapped in employee's presence.
6. After the specimen is provided in a reasonable time, the collector inspects it for sufficient volume, temperature and signs of tampering. If a specimen is not provided, the employee will be referred to a MRO to determine whether there is a valid medical reason. If there is, the employee must still attempt to provide a specimen each time the employee is required to test under this program.
7. After the specimen is given to the collector, the remaining collection procedures are conducted in employee's view.
8. The specimen bottles and shipping container are sealed with tamper evident seals.
9. The employee will be asked to initial the seals covering the specimen bottles identifying they were sealed in their presence.

10. The specimen number on the bottle seals match the specimen number on the chain of custody form.
11. The laboratory will check the specimen bottles upon receipt to insure the seal has not been broken. If the seal has been broken the laboratory will report the test as cancelled.
12. Blind sample submission through the laboratory for quality control.
13. A collector who has completed the qualification training as mandated in CFR Part 40 as amended will perform the collection.

Split Specimen Testing Protocol

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The Muncie Sanitary District will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the Muncie Sanitary District. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the Muncie Sanitary District. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

Alcohol Testing Safeguards For Employee's Protection

1. The BAT must obtain employee's photo identification prior to administering the test.
2. An individually wrapped mouthpiece will be opened and inserted into the EBT for the employee's test.
3. The National Highway Traffic Safety Administration approves the EBT that is used.
4. Calibration checks are frequently performed to insure the EBT is working efficiently.

5. If the screening test indicates a 0.02 or greater, a confirmation test will be administered.
6. An air blank will be administered prior to the confirmation test with a 0.000 reading.
7. An individually wrapped mouthpiece will be inserted for the confirmation test.
8. The BAT has completed the required training course in the correct operation of the EBT.

Disciplinary Procedures

Any employee who has a positive test for alcohol (.04 BAC or greater) or controlled substances or has refused to test is considered in violation of this policy. This employee is not qualified to drive a commercial motor vehicle and will be immediately removed from safety-sensitive duty. The consequences of testing positive or refusing to test fall under Group II offenses and such Employee may be disciplined for such actions up to and including termination.

Substance Abuse and Follow Up Testing Following Discharge

Any employee who is discharged shall be provided with the names, addresses and telephone numbers of qualified abuse professionals (SAPs) who are approved by the Muncie Sanitary District. To be able to be returned to any CDL position by an employer, the following steps must be completed:

1. Complete an initial evaluation with a SAP.
2. Complete any rehabilitation and/or education required by the SAP.
3. Complete a second evaluation with the SAP and obtain written confirmation of satisfactory progress and/or completion of all recommendations.
4. Complete a return-to-duty test that is issued with a negative result.

5.9 SMOKE-FREE WORKPLACE

Smoking and exposure to secondhand smoke are known to cause lung diseases, heart diseases, and cancer, and use of or exposure to tobacco products in general has been identified as a major cause of preventable disease and death. Nicotine addiction and other health risks may also result from vaping, including the use of electronic cigarettes, vape pens, and vaporizers. Muncie Sanitary District is committed to a healthy work environment and, recognizing the hazards caused by tobacco use, vaping, and exposure to secondhand smoke, is committed to a smoke-free workplace.

Smoking, the use of tobacco products, and vaping are prohibited in all MSD buildings and facilities, anywhere on MSD premises or grounds (indoors or outdoors), within 25 feet of any external doors, driveways, or gates, and in any MSD-owned or leased vehicles.

For purposes of this policy, "smoking" means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product or combustible substance, including, but not limited to, cigarettes, cigars, pipes, any other lit tobacco products, and vaping devices. For purposes of this policy, "the use of tobacco products and vaping" means the personal use of any tobacco product or vaping device, whether intended to be lit or not, which shall include smoking, as defined above, as well as the use of an electronic cigarette, vape pen, vaporizer, or any other device intended to simulate smoking and the use of smokeless tobacco, including, but not limited to, snuff; chewing or "spit" tobacco; smokeless pouches; any other form of loose leaf, smokeless

tobacco; and the open use of unlit cigarettes, cigars, pipes, and vaping devices (e.g., by holding them in the hand or mouth).

5.10 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using District property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify their immediate supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating District vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate District vehicles or operate personal vehicles for District business are required to notify their department head in the event that their driver's license is suspended or revoked. An employee's failure to notify his or her department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination. Employees who operate a District vehicle or operate a personal vehicle for District business are required to keep a copy of their valid driver's license and proof of insurance on file with the District Administrator.

Each occupant of a District or personal vehicle operated for the purpose of District business must wear appropriate seat belts.

Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a District vehicle or personal vehicle for District business when any physical or mental impairment causes the employee to be unable to drive safely.

This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

District owned vehicles shall not be driven out of Delaware County unless they are being used for official District business. Exceptions must be approved in advance by the department head or Sanitary Board of Commissioners.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination.

5.10.1 District Vehicle Assignments

Vehicles may be assigned to employees who require transportation to perform their duties.

When assigned, these vehicles are to be used for official business only, except as outlined below:

Assignment of vehicles will be made by the Board of Sanitary Commissioners on a basis of need and availability of vehicles.

- A. An employee shall ensure the safe and efficient operation of their assigned vehicle by keeping the vehicle free of trash and debris. Scheduling and notification for regular maintenance (for oil changes, etc.), is managed by the mechanics in Sewer Maintenance. The reporting of any and all mechanical, structural, or operational problems to supervision is the responsibility of an employee at first discovery. An assigned vehicle may be withdrawn from an employee who does not properly maintain such vehicle.
- B. Drivers of District-owned vehicles are required to observe posted speed limits and other motor vehicle laws.
- C. All employees must have a valid driver's license for the performance of their job duties. Employees, who are required to possess a CDL license, shall maintain such licensure during employment with the District. Each department will maintain a list of all employees' licenses, which will be reviewed and updated each year in January.
- D. District-owned vehicles shall only be used and operated according to this policy, except as approved by the District Administrator.
- E. District-owned vehicles will not normally be provided for lunch breaks without Department Head approval.
- F. If a work vehicle is part of a fleet that is at a MUNCIE SANITARY DISTRICT Department, it shall not be taken from that Department for the specific and expressed use of going to lunch. Any employee who is working at a MUNCIE SANITARY DISTRICT department shall use their private vehicles to go to lunch and/or run errands during their lunch hour.
- G. No idling of a MUNCIE SANITARY DISTRICT vehicle shall occur unless it is necessary for the vehicle to perform its designed function.
- H. Mileage will be tracked each time a vehicle is refueled. Mileage sheets are available at the gasoline pumps and should be completed by the driver during each fueling.

Should an accident occur involving a District owned vehicle, the following prescribed procedure will be used in reporting the accident:

- 1. Do not remove the vehicle, if possible;
- 2. Notify Police Department, therefore an accident report can be made;
- 3. Provide assistance if there is personal injury;
- 4. Notify supervisor as soon as possible; and
- 5. Detail in writing what transpired and turn into supervisor.

Employees with driving privileges shall not let any unauthorized person operate District vehicles.

The District reserves the right to require drug and alcohol screens of any employee in an accident involving a District owned vehicle.

5.10.1(A) Internal Revenue Service Regulations

The Internal Revenue Code (IRC) requires the taxable value for the use of employer provided

vehicles be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Such reports are processed by the Controller.

5.10.2 CDL License

Frequently, the District needs to employ in various departments individuals who possess a Commercial Driver's License ("CDL"). In order to encourage current District employees to obtain CDL licensure the District has adopted the following policy.

The District will reimburse an employee who successfully passes the Class B CDL test, the testing fee after the employee submits proof to the department head that he or she has passed the test.

After an employee successfully passes the Class B CDL test, upon submission of proof of payment, the District will pay on behalf of the employee the initial license fee and any renewal fee. The District will not pay for or reimburse the employee for the cost of the CDL Learner's Permit.

As part of the CDL licensure process a physical examination is required. The employee shall take a physical examination at the District's provider, and the District shall pay for the entire cost of the examination.

Employees qualifying for CDL training and training schedules will be determined by the appropriate department head.

5.11 PERSONAL USE OF DISTRICT PROPERTY AND FACILITIES

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of District facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of District facilities, including bulletin boards, vehicles, and equipment unless per the Board of Sanitary Commissioners.

5.12 NON-PROFIT/NON-POLITICAL ORGANIZATION SUPPORT

The District, upon approval from the District Administrator, assists non-profit and non-political organizations that require the use of District toters. Such organizations must successfully complete a Special Event Request Form which is available through the Sanitation Superintendent.

5.13 APPEARANCE OF WORK AREAS

The Muncie Sanitary District expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect.

5.14 BUSINESS TRAVEL

The Muncie Sanitary District department heads are responsible for authorizing employee

business travel and reimbursement of travel expenses, including overnight lodging, meal costs, and transportation. Employees complete the City of Muncie/Muncie Sanitary District Individual Travel Authorization Request prior to reviewing with their department head; and items must be approved prior to departure. However, the Board of Sanitary Commissioners and/or the District Administrator retain the right to approve or deny any travel reimbursements.

Reimbursement requests must be filed immediately upon return and must include a completed Expense Report on the form provided by the Muncie Sanitary District with accompanying credit card cash receipts certifying purchases and expenses. Receipts over 90 days old will not be honored.

All such reimbursements are subject to approval and appropriate documentation being submitted to the District Administrator. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the Board of Sanitary Commissioners. Employees must provide original and itemized receipts to receive reimbursement.

Overnight accommodations are not allowed for meetings within fifty (50) miles of Delaware County, Indiana, unless authorized by the District Administrator, excluding statutorily mandated expenses.

The District shall not pay for a person's meal more than once. If a person in travel status received a meal without charge, or a meal was included in a travel related fee (e.g. registration fee for conference), the employee will not be reimbursed for such meal.

Meal allowance and mileage rates are subject to change as approved and adopted by the Board of Sanitary Commissioners. Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act (FLSA).

5.14.1 Allowable Expenses

- Lodging, (for employee only). Cost of lodging must be pre-approved, and destination must be more than 50 miles from Muncie;
- Meals, with receipts, excluding alcohol. 15% maximum tip. (Daily maximum - \$100.00);
- Mileage, at the current Federal approved rate. Only one reimbursement for multiple riders;
- Necessary parking fees and tolls;
- Business telephone calls only;
- Taxi cab fare; up to 15% maximum tip.

Other expenses with prior approval of the department head, District Administrator, or Board of Sanitary Commissioners.

5.14.2 Expenses Not Allowed

- Any expenses related to personal entertainment;
- Fines for parking, speeding, etc;
- Alcoholic beverages;
- Valet parking, unless it is the only option for that hotel; and/or

- Airline travel insurance, gratuities to hotel/airport porters, parking attendants.

5.14.3 Credit Card Charges

State law prohibits the payment of interest by the Muncie Sanitary District; therefore only the face amount of an authorized purchase on an employee's personal credit card will be reimbursed. Receipts must be presented prior to payment.

Employees must adhere to the District's credit card policy when using such cards.

5.15 DISTRICT CREDIT CARDS

The District Administrator, or designated department head, shall be the designated official responsible for the use and issuance of the Muncie Sanitary District credit cards. District credit cards are the property of the City of Muncie. Account numbers, and other information, of District credit cards will be maintained by designated employees. The Finance Manager shall maintain an accounting system or log which will include the names of individuals requesting usage of District credit cards, their position, and estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

District employees may request the use of a District credit card for travel related expenses associated with attending conferences, workshops, business meetings, or other work related expenses. All requests, including name, position, estimated amount(s) to be charged, must be in writing and submitted to the District Administrator. District credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

District employees, who are issued a District credit card, shall only use such card as approved by the District Administrator. When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (i.e. receipts) shall be submitted to the custody of the Finance Manager.

Payment of District credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee. District issued credit cards are maintained by the Muncie Sanitary District and employees are required to return such cards and all supporting documents upon request. If a card is lost or stolen, the employee shall report the missing card immediately to the District Administrator. District employees violating any part of this policy shall be subject to disciplinary action, up to and including termination.

6. PERSONAL CONDUCT

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

6.1 EMPLOYEE CONDUCT AND WORK RULES

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency in their work. All employees shall correct any faults in their performance and shall avoid any behavior and actions which conflict with District rules and regulations.

6.2 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the District expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the District. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she shall notify their department head at least one (1) hour in advance of the anticipated tardiness or absence, or as soon as possible in the event of an emergency (such as illness to self or family member, traffic accident or a vehicle malfunction.) Emergencies are NOT to be abused and will be permitted at the discretion of the Department Head. Reporting a false emergency as an excuse and any notification after the start of the employee's shift will result in disciplinary action with time off.

Employees should abide by the punctuality of their scheduled shift time.

An unexcused absence is defined as an absence for which the employee does not have any available accrued leave time to charge the absence against, or where applicable, the employee does not have the approval of the department head.

Employees who are absent for two (2) consecutive workdays without notifying their department head shall be considered to have voluntarily resigned their position.

District employees violating any part of this policy shall be subject to disciplinary action, up to and including termination.

6.3 PERSONAL APPEARANCE

Citizens observe employees of the Muncie Sanitary District often in the course of their work. As District representatives, employees are asked to meet high standards both in the quality of their work and in presenting a professional image to the public.

Employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

The safety of the public and District employees shall be of primary consideration in the determination of appropriate dress.

Uniforms may be required for certain District jobs. Employees will be responsible to keep their uniforms clean and serviceable.

6.3.1 Shoes

No open toed shoes or sandals are permitted during working time by non-office employees.

6.3.2 Hair

In the non-office environment, hair that is shoulder length or longer must be tightly secured away from the face to ensure that it stays out of machinery.

6.3.3 Dress

Employees are expected to dress appropriately for the work environment. Accordingly, the following standards apply to all employees:

- A. Pants and shorts must be fitted at the waist area;
- B. Shirts and tops must cover the shoulders and stomach area; sleeveless shirts are permitted provided they are hemmed at the shoulder area;
- C. No tank shirts are permitted;
- D. No nylon, spandex or skin tight clothing allowed;
- E. No large holes or slits in the clothing above the knee area;
- F. No inappropriate language or messages, including political messages, on clothing or hats; or
- G. Tattoos should be covered with clothing and body piercings shall not be worn on the job. With the exception of earrings, unless working in a safety-sensitive area.

This list is not all inclusive. Any employee in violation of the dress code policy may be sent home without pay, until such time as he or she returns to work in acceptable clothing. Excessive violations may result in disciplinary action.

6.3.4 I.D. Badges

The District provides I.D. badges for all employees. Such badges must be worn in a visible manner during working time.

6.4 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT

It is the policy of the Muncie Sanitary District to provide all employees with a workplace that is safe, comfortable, and free of harassment. It is our policy to prohibit all forms of harassment at work, including harassment based on age, race, color, religion, sex, sexual orientation, national

origin, disability, genetic information, veteran status, or any other classification under local, state, or federal law. All employees are responsible for complying with the policy against workplace harassment.

Any employee who engages in harassment on the basis of race, sex, gender, religion, color, age, disability, national origin, sexual orientation, genetic information, veteran status, or any other classification under local, state, or federal law; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to disciplinary action, up to and including termination of employment.

Sexual harassment is prohibited and includes any unwelcome sexual advance, requests for sexual favor, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term of condition of employment;
2. Submission to or rejection of such conduct is used as a factor in any employment decision, affecting any individual; or
3. Such conduct has the purpose of unreasonably interfering with any employee's work performance or creating an intimidating, hostile, or offensive working environment.

This policy prohibits sexual advances, requests for sex (with or without related threats, promises of favors, or other benefits), or other verbal or physical sexual conduct which could have a harmful effect on any employee's work performance or create a hostile or offensive work environment. Examples of "sexual harassment" include:

- A. Obscene or sexually suggestive comments about a person's body;
- B. "Off color" language or "dirty" jokes of a sexual nature;
- C. Slurs, threats, repeated commands, or other offensive verbal or physical conduct relating to a person's sex or sexual orientation;
- D. Offensive or unwelcome sexual flirtations, advances, or propositions, communicated verbally, by touch, or in writing;
- E. Use of sexually degrading words to describe a person or group of people;
- F. Any display of sexually explicit photographs, drawings, greeting cards, articles, books, magazines, or other printed items; or
- G. Repeated unwelcome or unnecessary touching of any part of another's body.

Harassment is defined as behavior which has the purpose of creating an intimidating, hostile, or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance. Otherwise, adversely affects an individual's employment opportunities.

Harassment also includes slurs and other verbal or physical conduct relating to an individual's race, color, religion, sex, gender, age, disability, genetic information, national origin, or being a member of another protected classification.

6.4.1 Reporting a Complaint

While the District encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the District also recognizes

that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the District must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment is advised to obtain a sexual harassment complaint form from the District Administrator. The employee is directed to submit the completed form to the department head immediately. In the event the alleged harassment is against the department head, the completed form shall be submitted to the District Administrator. In the event the District Administrator is the subject of the complaint, the complaint should be filed with the Board of Sanitary Commissioners President. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and report the incident to their department head, or in the event that the complaint is against the department head, the District Administrator. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action, up to and including termination of employment.

6.4.2 Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the District encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

District department heads, the District Administrator, and the Board of Sanitary Commissioners President have copies of the District sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

6.4.3 Time Frame for Reporting Complaints

The District requires the immediate reporting of complaints so that rapid response and

appropriate action may be taken. Late reporting of complaints will not in and of itself preclude the District from taking remedial action.

6.4.4 Protection Against Retaliation

The District will not in any way retaliate against individuals who report any form of harassment or against anyone who participates in a resulting investigation, nor permit any supervisor or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately.

Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

6.4.5 Investigating the Complaint

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The District will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the District will communicate its findings to the complainant and the alleged harasser. If the District Administrator and the alleged harasser's department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

In determining whether alleged conduct constitutes sexual harassment, the District will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

6.4.6 Identification of Investigators

Complaints will be investigated by the District Administrator, departments heads, and/or investigators retained by the District. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the District's Attorney with the approval of the Board of Sanitary Commissioners

6.4.7 False Accusations

The District also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can devastate the lives and reputations of innocent women and men.

Therefore, the District may discipline, up to and including termination of employment, those

employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

6.4.8 Sanctions

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment.

Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the District's ability to discipline a non-District employee harasser is limited, any District employee who has been subjected to sexual harassment by a non-District employee at the workplace and work-related setting should file a complaint so that action may be taken.

6.4.9 Maintaining a Written Record of the Complaint

The District will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the HR Department, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.4.10 Prevention

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain mindful of sexual harassment to avoid contributing to conditions that would encourage such activity. Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on or off duty, the employee shall report this matter, in writing, to their department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

Unauthorized time away from work shall be subject to the District's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work. An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the District's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide their department head written documentation such as a court record of the disposition of the charges immediately after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self-control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or the Muncie Sanitary District.

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.

6.6 GIFTS OR GRATUITIES

Muncie Sanitary District employees are not allowed to receive gifts or gratuities, in excess of one hundred and seventy five dollars (\$175) in value, in any professional capacity. Anything over one hundred and seventy five dollars (\$175) in value must be approved by a Board of Sanitary Commissioners member.

6.7 GHOST EMPLOYMENT

The Muncie Sanitary District is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of District policy and of Indiana Code 35-44-2-5. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work that is not

job related to his/her position within the District, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by District paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44-2-5.

6.8 BUSINESS ETHICS/CONFLICT OF INTEREST

The District recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, the Muncie Sanitary District.

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by law.

The District also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times, the District must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the District must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts. If deemed by said official to be in the best interest of the District, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the District.

6.9 SOLICITATION/DISTRIBUTION

Persons who are not employed by the District may not solicit or distribute literature on District property at any time. Distribution of literature is not permitted on any District-owned or leased property, unless prior approval has been obtained by the District Administrator.

Employees violating this policy shall be subject to disciplinary action, up to and including termination.

6.10 SECURITY OF PREMISES

The Muncie Sanitary District wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or any other weapons. To this end, the District prohibits the control, possession, transfer, sale, or use of such items and on its premises. Except that the District does allow an employee who is lawfully in possession of a firearm, to possess such firearm in that employee's locked vehicle while the vehicle is on District property. However, such an employee must lawfully be licensed or permitted to carry the firearm under either Indiana or Federal law and the firearm must be locked in that person's vehicle at all time while on District property. The possession of a firearm by an employee while in a vehicle belonging to the District or on the person of a District employee while on District property is not allowed

under any circumstance. The District requires the cooperation of all employees in administering this policy. Any violation of this policy shall subject an employee to discipline, up to and including termination.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the District. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the District at any time, either with or without prior notice.

6.11 WORKPLACE VIOLENCE

The Muncie Sanitary District provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

6.11.1 Prohibited Conduct

The Muncie Sanitary District does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- A. Causing physical injury to another person;
- B. Making threatening remarks;
- C. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- D. Intentionally damaging employer property or property of another employee;
- E. Possession of a weapon while on District property or while on District business except as specified for firearms in Section 6.10 above; and
- F. Committing acts motivated by, or related to, sexual harassment or domestic violence.

Threats, threatening behavior, or acts of violence executed off District-owned or leased property but directed at District employees or members of the public while conducting official District business, is a violation of this policy. Additionally, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on Muncie Sanitary District property without proper authorization as specified in *Section 6.10 Security of Premises of this Personnel Policies Handbook*.

Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail social media, or any other communication medium.

6.11.2 Reporting Procedures

Any potentially dangerous situations must be reported immediately to a department manager, the District Administrator, or the President of the Board of Commissioners. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis. The District will intervene as it deems appropriate where there

is an indication of a possibly hostile or violent situation.

Any employee who receives a protective or restraining order which lists District-owned or leased premises as a protected area is required to provide their department head with a copy of such order.

6.11.3 Risk Reduction Measures

The District conducts annual inspections of its premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce risks.

While the District does not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform a department manager, the District Administrator, or the President of the Board of Commissioners if any employee exhibits behavior which could be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:

- A. Discussing weapons or bringing them to the workplace;
- B. Displaying overt signs of extreme stress, resentment, hostility, or anger;
- C. Making threatening remarks;
- D. Sudden or significant deterioration of performance; and
- E. Displaying irrational or inappropriate behavior.

6.11.4 Dangerous/Emergency Situations

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual.

If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

6.11.5 Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the District's premises will be reported to the proper authorities and fully prosecuted.

6.12 CONFIDENTIALITY

Employees are advised to consult with their department head and the District Administrator before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

6.13 EMPLOYEE CONDUCT

Except in cases where the Board of Sanitary Commissioners, District Administrator or a designee concludes the circumstances warrant immediate termination, a progressive discipline procedure may be used in an effort to give employees advance notice of unacceptable performance or behavior and an opportunity to correct problems.

If an employee at any time has three (3) written reprimands for Group I offenses, the employee shall be subject to discipline, up to and including termination. Group I offenses do not remain in permanent employee files after one (1) year of taking place.

In the event that termination of employment is merited, the department head shall make such recommendation to the District Administrator and Board of Sanitary Commissioners President for approval.

GROUP I DISCIPLINE

First Offense	Written reprimand
Second Offense	Written reprimand plus up to a five (5) day lay off without pay
Third Offense	Additional discipline up to and including termination

GROUP I OFFENSES

Examples include, *but not limited to*, the following:

1. Failure to notify authorized personnel within one (1) hour of starting time when unable to report for duty;
2. Any unexcused absences or occurrences of lateness.
3. Failure to remain at work until the scheduled quitting time, without permission by their supervisor;
4. Employee absenting himself/herself from work for reasons other than those reported to the District;
5. Discourtesy to the Public;
6. Disobeying orders from immediate supervisor available;
7. Exercising undelegated authority;
8. Failure to clock in or out;
9. Inappropriately parking in unauthorized areas including handicap parking;
10. Poor work performance;
11. Unnecessary delaying of load or equipment;
12. Failure to follow routes as designated or instructed;
13. Failure to make out required reports properly;
14. Failure to follow written operating procedures;
15. When the operations are continuous, an employee will not leave his or her post until replaced by the next shift employee or until he or she is relieved by supervisor;
16. Failure to follow directions in loading, hauling, spreading, and incorporation of sludge or in the removal of any foreign material from sludge (rags, junk, scrap, etc.);

17. Failure to wear the work uniform when provided by the District;
18. Reporting for work in unclean or filthy clothing;
19. Failure to report for duty within a reasonable time from call. This section applies to all call outs;
20. Sleeping on the job;
21. Littering work areas; failing to keep his or her work area clean;
22. Accidents and misuse of district vehicles - (Incidents \$1,500 or less);
23. Improper use of radios;
24. Failure to notify supervisor of change in personal data;
25. Misuse or abuse of District telephones; excessive personal use during working hours;
26. Posting notices on the District premises without prior written approval from the appropriate authority;
27. Bringing or assisting unauthorized visitors on District property;
28. Using District property to conduct personal business without prior authorization;
29. Failure to attend mandatory training without good cause; or,
30. Failure to remain at assigned task or job duties without permission from the supervisor.

GROUP II DISCIPLINE

First Offense	Any appropriate discipline, up to and including termination of employment
---------------	---

GROUP II DISCIPLINE

Examples of, but *Examples of, not limited to, the following:*

1. Absence for two (2) consecutive working days without notifying supervisor;
2. Use, possession or consumption of alcoholic beverages or controlled substances while on duty or on District property;
3. Being under the influence of alcoholic beverages or controlled substances during working time whether or not they were consumed prior to reporting for duty;
4. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination;
5. Stealing or similar conduct, including destroying, damaging, or concealing any property of the District or of other employees.
6. Verbal abuse to supervisor;
7. Restricting, interrupting or interfering with the work of others;
8. Possession of fire arms or weapons, during working hours, or at any time while working for the District;
9. Fighting or attempting to injure other employees, supervisors, or persons;
10. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public;
11. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the District's work stations;
12. Disclosure of confidential information;
13. Failure to disclose at the time of employment a past conviction, misdemeanor, and/or

- felony if reasonably related to the employee's duties or the public trust;
14. Failure to follow safety regulations; including the wearing of safety articles and using of protective equipment;
 15. Violation of the sexual harassment/hostile work environment policy;
 16. Employees will not punch, sign or tamper with another employee's time card or work sheet;
 17. Failure to obtain approval to drive car out of the District;
 18. Failure to report mechanically defective condition of equipment; neglect in the performance of assigned duties or in the care, use, or custody of any District property or equipment. Abuse or deliberate destruction in any manner of District property, tools, equipment, or the property of employees;
 19. Conducting personal business on District premises without prior authorization;
 20. Making false claims or misrepresentations in an attempt to obtain any District benefit;
 21. Tampering with or falsification of required drug samples;
 22. Accidents and misuse of District vehicles - (Incidents greater than \$1,500);
 23. Failure to report all accidents promptly and personal injury or major accident immediately;
 24. Refusal to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing;
 25. Conviction of Traffic violations including speeding in a District-owned vehicle;
 26. Failure to keep a valid driver's license, including CDL, as required by the position, when driving is required in job.
 27. Unauthorized carrying of passenger(s);
 28. Conviction of reckless driving or driving while under the influence in District owned vehicle;
 29. Unauthorized use of equipment;
 30. Unauthorized modification or alteration of equipment;
 31. Negligent or careless loading, unloading, checking, or handling, resulting in damage to or loss of equipment;
 32. Deliberate misuse of District property, records, or other materials in their care, custody, and control.
 33. Removal of District property, records and other materials from the premises (department) without prior approval by the Board of Sanitary Commissioners pursuant to the provisions of state law relating to the sale or transfer of public property;
 34. Falsification of records, reports or claims of insurance;
 35. Falsification or incomplete employment application or other District document or record;
 36. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any District records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment;
 37. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors.

The foregoing lists are not, nor are they intended to be, all inclusive. There are other types of unacceptable conduct which may result in some form or progressive discipline or immediate termination and the preceding lists will not, in any way, be considered as limiting the District's prerogative to discipline or immediately termination an employee for conduct which is not listed.

Furthermore, in light of the particular circumstances of a specific case, the District may choose to discipline by means of written reprimand and/or suspension rather than immediate termination. The exercise of this discretion by the District in a particular case or cases is not a waiver of the District's right to discipline or terminate the same employee or any other employee for the same type of offense in the future.

7. PROBLEM RESOLUTION

The policies contained in this chapter and throughout the Muncie Sanitary District Personnel Policies Handbook apply to all Muncie Sanitary District employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that the District's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or District policy. **This section does not apply to disciplinary actions.**

Any time an employee files a formal complaint all records of complaint will be placed permanently in the employee's personnel file.

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has the following steps available:

STEP 1: Department Head (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and department head through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee shall take or send the written complaint to the department head. Department heads are encouraged to give a written response to the complaint within five (5) days.

STEP 2: Department Head (Written complaint)

If the complaint cannot be solved satisfactorily, according to the department head or employee, a meeting with the District Administrator may be requested by either party. Such request, along with the complaint, shall be reduced to writing and forwarded to the District Administrator

STEP 3: Board of Sanitary Commissioners President

If the complaint cannot be solved satisfactorily it may be reviewed by the Board of Sanitary Commissioners President upon request by the District Administrator or employee. The President's findings and recommendations are binding on the District and the employee. In the event that the employee requests a review, he/she shall first notify the District Administrator.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and Muncie Sanitary District rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by court of competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such court, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The Muncie Sanitary District reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

INDEMNIFICATION

In the event that a department head or any other District employee becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration of this policy, the District and/or its insurers shall defend the employee in that action and pay any judgment entered in the action against the employee or the District, so long as the department head or District employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

ENABLING RESOLUTION

This handbook shall be approved by Resolution passed by the Board of Sanitary Commissioners. The terms and conditions of this handbook shall be incorporated by reference in the Salary Resolution approved annually by the Board of Sanitary Commissioners and the terms and conditions set out herein shall be deemed a condition of compensation under that Resolution.

AMENDMENTS

This handbook may be amended from time to time in substantially the same form approved by the Board of Sanitary Commissioners. Any amendments shall be distributed to each department of the District and shall be conspicuously posted for at least ninety (90) days throughout the offices of the District after their passage.

Muncie Sanitary District
2019 Handbook

EMPLOYEE ACKNOWLEDGMENT FORM

The Muncie Sanitary District Personnel Policies Handbook adopted by the Board of Sanitary Commissioners on January 16, 2019, describes important information about employment with the Muncie Sanitary District. I understand that I should consult the District Administrator regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Sanitary Commissioners has the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

Employee's Signature

Employee's Name Printed

Date

+Note: all amendments made after January 16, 2019 will have an (*) at the section amended.

OTHER MSD POLICIES

Clothing Allowance

Small Purchase Policy (IC 5-22-8-2)

Real Estate Purchase

Sewer Connection

Request for Information Policy

Muncie Sanitary District
2019 Handbook

EMPLOYEE ACKNOWLEDGMENT FORM

The Muncie Sanitary District Personnel Policies Handbook adopted by the Board of Sanitary Commissioners on January 16, 2019, describes important information about employment with the Muncie Sanitary District. I understand that I should consult the District Administrator regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Sanitary Commissioners has the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

Linda Starke Colsten
Employee's Signature

Linda Starke Colsten
Employee's Name Printed

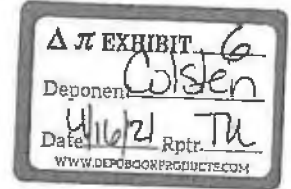
1-28-2019
Date

+Note: all amendments made after January 16, 2019 will have an (*) at the section amended.



PERFORMANCE APPRAISAL

Muncie Sanitary District, Indiana an Equal Opportunity Employer



Name: Linda Starke-Colsten

Office/Department: Sewer Maintenance

Job title: Secretary

Reason for review: Merit _____ Promotion _____ Unsatisfactory performance _____
End of probationary period _____ Annual review _____ Other _____

Began present position 7/28/1978 Last appraisal: _____ Scheduled appraisal: _____

Instructions: Carefully evaluate employee's work performance in relation to essential functions of the job as stated in the job description. Check the appropriate *Rating* box, assign points within the *Scale* for that rating, and write that number in the corresponding *Points* box. Points will be totaled and averaged for an overall performance score. *Add pages as needed for comments.*

Definitions of Performance Ratings

O - Outstanding Performance is exceptional and recognizable as being far superior to others.

I - Improvement needed Performance is deficient in certain areas. Improvement is necessary.

V - Very Good Results clearly exceed most position requirements. Performance is of high quality and is achieved consistently.

U - Unsatisfactory Results are generally unacceptable & require immediate improvement.

G - Good Competent, dependable performance. Understands performance standards of the job.

N/A - Not Applicable or too soon to rate.

General Factors	Performance Rating/Scale						
1. <i>Quality</i> - Extent to which employee's work is accurate, thorough & neat.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 80
<i>Supportive Detail/Comments</i>							
2. <i>Productivity</i> - Extent to which employee efficiently produces a significant volume of work in a specified time period.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 80
<i>Supportive Detail/Comments</i>							

General Factors		Performance Rating/Scale						
3. <i>Reliability</i> - Extent to which employee can be relied upon regarding completion & follow-up.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85	
<i>Supportive Detail/Comments</i>								
4. <i>Attendance</i> - Extent to which employee is punctual, observes prescribed meal/ break periods & has an acceptable overall attendance record.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 90	
<i>Supportive Detail/Comments</i> Absences: Number of days No unexcused days off No Tardys								
5. <i>Independence</i> - Extent to which employee performs work with little or no supervision.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85	
<i>Supportive Detail/Comments</i>								
6. <i>Knowledge</i> - Extent to which employee possesses practical/technical knowledge required on the job.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 90	
<i>Supportive Detail/Comments</i>								
7. <i>Creativity</i> - Extent to which employee proposes ideas & finds new, better ways of doing things.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 80	
<i>Supportive Detail/Comments</i>								

General Factors	Performance Rating/Scale						
8. <i>Initiative</i> - Extent to which employee seeks new assignments & assumes additional duties as needed or time allows.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 79
<i>Supportive Detail/Comments</i>							
9. <i>Adherence to Policy</i> - Extent to which employee adheres to safety & conduct rules, other regulations, & general policies.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i>							
10. <i>Interpersonal Relationships</i> - Extent to which employee is willing & demonstrates ability to cooperate, work & communicate with co-workers, supervisors, subordinates, &/or outside contacts.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 75
<i>Supportive Detail/Comments</i>							
11. <i>Judgment</i> - Extent to which employee demonstrates proper judgment & decision-making skills when necessary.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 80
<i>Supportive Detail/Comments</i>							
Rate employee's overall performance regarding position duties and responsibilities.		O 90-100	V 80-89	G 70-79	I 60-69	U below 60	
Total Points number of factors rated <u>11</u> = <u>909</u> Average Score <u>83</u> = Overall Rating <u>Very Good</u>							

Complete all of the following sections:

1. Accomplishments or new abilities demonstrated since last review:
2. Specific areas needing improvement:
3. Recommendations for professional development (seminars, training, etc.):
4. Status of employee's probationary period (if applicable):
____ Employee satisfactorily completed probationary period.
____ Employee's probationary period shall be extended for ____ days.

Employee Comments

The employee may add any comments in this space. If the employee wishes to add a separate page of comments, attach it to this evaluation form.

*I do not agree with this more it is the
lowest I have ever gotten. I do make mistakes. I need
to be directed but not assigned. I need to be put in
assignments but I don't agree. I do work well
with my co workers but not supervision. I would also
say that with my education & number of years
experience I can make judgment.*

Employee Certification

I certify that this report has been discussed with me, and I understand my signature does not necessarily indicate agreement. I may write a separate response to any and all points and attach it to this report.

Employee's signature: *Richard L. Stacks* Date: *1-6-15*

Discussed with employee: _____ Follow-up desired? G yes G no Follow-up date: _____

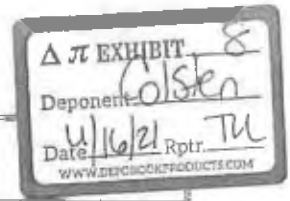
Evaluator's signature: *Doug Marshall* Date: *1-6-15*

Print Name: Doug Marshall

Title: Assistant Superintendent

Department Head signature: *Tracy Barton* Date: *1/6/15*

Print Name: Tracy Barton



PERFORMANCE APPRAISAL

Muncie Sanitary District, Indiana an Equal Opportunity Employer

Name: Linda Starke Colsten Office/Department: Bureau of Water Quality
Job title: Secretary

Reason for review: ☐ Merit ☐ Promotion ☐ Unsatisfactory performance
☐ End of probationary period ☐ Annual review ☐ Other

Began present position: 5-8-16 Last appraisal: _____ Scheduled appraisal: 1-30-2017

Ⓢ **Instructions:** Carefully evaluate employee's work performance in relation to essential functions of the job as stated in the job description. Check the appropriate *Rating* box, assign points within the *Scale* for that rating, and write that number in the corresponding *Points* box. Points will be totaled and averaged for an overall performance score. *Add pages as needed for comments.*

Definitions of Performance Ratings

O - Outstanding Performance is exceptional and recognizable as being far superior to others.	I - Improvement needed Performance is deficient in certain areas. Improvement is necessary.
V - Very Good Results clearly exceed most position requirements. Performance is of high quality and is achieved consistently.	U - Unsatisfactory Results are generally unacceptable & require immediate improvement.
G - Good Competent, dependable performance. Understands performance standards of the job.	N/A - Not Applicable or too soon to rate.

General Factors		Performance Rating/Scale					
1. <i>Quality</i> - Extent to which employee's work is accurate, thorough & neat.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda's work is always of good quality. If there are ever mistakes, they are quickly corrected.							
2. <i>Productivity</i> - Extent to which employee efficiently produces a significant volume of work in a specified time period.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 79
<i>Supportive Detail/Comments</i> Linda's productivity is continually improving as she gets more comfortable with her new position. She is especially good improving the organization of supplies and files.							

General Factors	Performance Rating/Scale						
3. <i>Reliability</i> - Extent to which employee can be relied upon regarding completion & follow-up.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda is able to reliably follow-through with any responsibilities she has or any tasks she is given.							
4. <i>Attendance</i> - Extent to which employee is punctual, observes prescribed meal/ break periods & has an acceptable overall attendance record.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 80
<i>Supportive Detail/Comments</i> Absences: Number of days Linda provides adequate notice of time-off.							
5. <i>Independence</i> - Extent to which employee performs work with little or no supervision.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda is able to handle her responsibilities with little supervision, but also understands when I or others should be included in any decisions.							
6. <i>Knowledge</i> - Extent to which employee possesses practical/technical knowledge required on the job.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda has extensive knowledge and experience with MSD policies. There have been some changes in her responsibilities from her previous position to the current position, like using PayClock system, but she is adapting well.							

7. <i>Creativity</i> - Extent to which employee proposes ideas & finds new, better ways of doing things.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points
<i>Supportive Detail/Comments</i> Little opportunity to evaluate this so far.							

General Factors	Performance Rating/Scale						
8. <i>Initiative</i> - Extent to which employee seeks new assignments & assumes additional duties as needed or time allows.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> One of Linda's strengths is her ability and willingness to organize many aspects of the office.							
9. <i>Adherence to Policy</i> - Extent to which employee adheres to safety & conduct rules, other regulations, & general policies.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda has a very good understanding of MSD policies, and she appears comfortable with any policies that are new or unique to Bureau.							
10. <i>Interpersonal Relationships</i> - Extent to which employee is willing & demonstrates ability to cooperate, work & communicate with co-workers, supervisors, subordinates, &/or outside contacts.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda maintains a friendly and professional rapport with her coworkers.							

11. Judgment - Extent to which employee demonstrates proper judgment & decision-making skills when necessary.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Point 79
<i>Supportive Detail/Comments</i> Linda seems to have good judgment related to making decisions related to her work.							
Rate employee's overall performance regarding position duties and responsibilities.	O 90-100	V 80-89	G 70-79	I 60-69	U below 60		
Total Points <u>841</u> ÷ number of factors rated <u>10</u> = Average Score <u>84.1</u> = Overall Rating							

Complete all of the following sections:

- Accomplishments or new abilities demonstrated since last review:
This is a six-month evaluation following Linda's transfer to the Bureau, so this is her first review.
- Specific areas needing improvement:
Nothing specific needing improvement.
- Recommendations for professional development (seminars, training, etc.):
Linda is invited to suggest professional workshops or training that she may find beneficial if she chooses (this is not a requirement, it is simply to make her aware that I will consider requests like this if we have money in the budget).
- Status of employee's probationary period (if applicable):
X Employee satisfactorily completed probationary period.
 _____ Employee's probationary period shall be extended for _____ days.

Employee Comments

The employee may add any comments in this space. If the employee wishes to add a separate page of comments, *attach it to this evaluation form.*

Employee Certification

I certify that this report has been discussed with me, and I understand my signature does not necessarily indicate agreement. I may write a separate response to any and all points and attach it to this report.

Employee's signature: Linda L. Starker Colsten Date: 2/17/17

Discussed with employee: _____ Follow-up desired? ☐ yes ☐ no Follow-up date: _____

Evaluator's signature: [Signature] Date: 2-17-17

Print Name: Rich Conrad Title: Director

Employee Spencer Colston Gindor GOLD-EMPLOYEE
 LAST FIRST INITIAL
 Address _____
 STREET CITY STATE ZIP
 SS # _____ Telephone _____
 Birthdate _____ Title _____

REASON FOR CHANGE Check Applicable Boxes
☐ Hired ☐ Promotion ☐ Voluntary Quit (EXPLAIN BELOW)
☐ Re-hired ☐ Demotion ☐ Retirement
☐ Re-instated ☐ Rate Change ☐ Layoff
☐ Seasonal Hire ☐ Name Change ☐ Discharge (EXPLAIN BELOW)
☐ Transfer ☐ Address Change ☐ Seasonal Discharge
☒ Other FMLA approved

EFFECTIVE DATE OF CHANGE 2/23/17

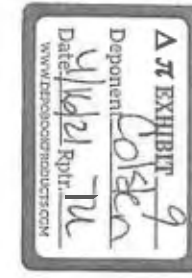
THE CHANGE Check Applicable Boxes

	FROM	TO
<input type="checkbox"/> Department	<u>Bureau of Water</u>	
<input type="checkbox"/> Position Title	<u>Office Manager</u>	
<input type="checkbox"/> Fund/Accl. No.		
<input type="checkbox"/> Pay Rate		

Explanation Approved for intermittent FMLA

VOLUNTARY PAYROLL DEDUCTIONS Complete and Attach Applicable Form

NAME	CODE
NAME	CODE
NAME	CODE
<u>Spencer Colston Gindor</u>	<u>2/23/17</u>
AUTHORIZED DEPARTMENT HEAD	DATE
EMPLOYEE	DATE



Schuster, Katie

From: Sarah Beach <sbeach@cityofmuncie.com>
Sent: Thursday, February 23, 2017 10:11 AM
To: Rick Conrad
Subject: Linda Starke Colsten FMLA

Linda has been approved from intermittent use of FMLA.
Per her certification, she is approved for 1-3 times a month with each episode lasting 1-2 days.

Sarah L. C. Beach
Personnel Director
City of Muncie
300 N High St
Muncie, IN 47305
(765) 747-4869



City of MUNCIE

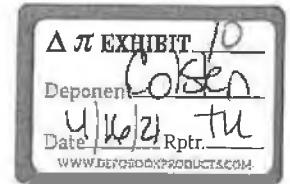
MUNCIE, INDIANA

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Schuster, Katie

From: Sarah Beach <sbeach@cityofmuncie.com>
Sent: Monday, April 3, 2017 12:59 PM
To: Rick Conrad
Cc: Nikki Grigsby
Subject: LINDA COLSTEN FMLA



Linda has been approved for intermittent FMLA.
1-2 times a month (1-2 days each episode)

Sarah L. C. Beach
Personnel Director
City of Muncie
300 N High St
Muncie, IN 47305
(765) 747-4869



City of MUNCIE
MUNCIE, INDIANA

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PERFORMANCE APPRAISAL

Muncie Sanitary District, Indiana

an Equal Opportunity Employer

Name: Linda Starke Colsten Office/Department: Bureau of Water Quality

Job title: Secretary

Reason for review: ☐ Merit ☐ Promotion ☐ Unsatisfactory performance
☐ End of probationary period ☐ Annual review ☐ Other

Began present position: 5-8-16 Last appraisal: _____ Scheduled appraisal: 5-26-2017

● **Instructions:** Carefully evaluate employee's work performance in relation to essential functions of the job as stated in the job description. Check the appropriate *Rating* box, assign points within the *Scale* for that rating, and write that number in the corresponding *Points* box. Points will be totaled and averaged for an overall performance score. *Add pages as needed for comments.*

Definitions of Performance Ratings	
O - Outstanding Performance is exceptional and recognizable as being far superior to others.	I - Improvement needed Performance is deficient in certain areas. Improvement is necessary.
V - Very Good Results clearly exceed most position requirements. Performance is of high quality and is achieved consistently.	U - Unsatisfactory Results are generally unacceptable & require immediate improvement.
G - Good Competent, dependable performance. Understands performance standards of the job.	N/A - Not Applicable or too soon to rate.

General Factors	Performance Rating/Scale						
1. <i>Quality</i> - Extent to which employee's work is accurate, thorough & neat.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda's work is always of good quality. If there are ever mistakes, they are quickly corrected.							
2. <i>Productivity</i> - Extent to which employee efficiently produces a significant volume of work in a specified time period.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda's always completes necessary tasks on time and is always willing to take on new tasks as needed.							

General Factors	Performance Rating/Scale						
3. <i>Reliability</i> - Extent to which employee can be relied upon regarding completion & follow-up.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda is able to reliably follow-through with any responsibilities she has or any tasks she is given.							
4. <i>Attendance</i> - Extent to which employee is punctual, observes prescribed meal/ break periods & has an acceptable overall attendance record.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Absences: Number of days Linda provides adequate notice of time-off.							
5. <i>Independence</i> - Extent to which employee performs work with little or no supervision.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda is able to handle her responsibilities with little supervision, but also understands when I or others should be included in any decisions.							
6. <i>Knowledge</i> - Extent to which employee possesses practical/technical knowledge required on the job.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda has extensive knowledge and experience with MSD policies.							

7. <i>Creativity</i> - Extent to which employee proposes ideas & finds new, better ways of doing things.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points
<i>Supportive Detail/Comments</i> Little opportunity to evaluate this so far.							

General Factors	Performance Rating/Scale						
8. <i>Initiative</i> - Extent to which employee seeks new assignments & assumes additional duties as needed or time allows.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> One of Linda's strengths is her ability and willingness to organize many aspects of the office.							
9. <i>Adherence to Policy</i> - Extent to which employee adheres to safety & conduct rules, other regulations, & general policies.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda has a very good understanding of MSD policies, and she appears comfortable with any policies that are new or unique to Bureau.							
10. <i>Interpersonal Relationships</i> - Extent to which employee is willing & demonstrates ability to cooperate, work & communicate with co-workers, supervisors, subordinates, &/or outside contacts.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda maintains a friendly and professional rapport with her coworkers.							

11. Judgment - Extent to which employee demonstrates proper judgment & decision-making skills when necessary.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 75
<i>Supportive Detail/Comments</i> Linda seems to have good judgment related to making decisions related to her work. She should attempt to reduce the amount of criticism of me or the District that is not constructive. A private meeting with me or with the District Administrator may be the best way to air serious grievances.							
Rate employee's overall performance regarding position duties and responsibilities.		O 90-100	V 80-89	G 70-79	I 60-69	U below 60	
Total Points <u>848</u> ÷ number of factors rated <u>10</u> = Average Score <u>84.8</u> = Overall Rating							

Complete all of the following sections:

- Accomplishments or new abilities demonstrated since last review:
Has adapted to new department and its unique policies/standard operating procedures without difficulty.
- Specific areas needing improvement:
Reduce the amount of criticism that is not constructive. Handle it discretely.
- Recommendations for professional development (seminars, training, etc.):
Linda is invited to suggest professional workshops or training that she may find beneficial if she chooses (this is not a requirement, it is simply to make her aware that I will consider requests like this if we have money in the budget).
- Status of employee's probationary period (if applicable):
 _____ Employee satisfactorily completed probationary period.
 _____ Employee's probationary period shall be extended for _____ days.

Employee Comments

The employee may add any comments in this space. If the employee wishes to add a separate page of comments, *attach it to this evaluation form.*

Employee Certification

I certify that this report has been discussed with me, and I understand my signature does not necessarily indicate agreement. I may write a separate response to any and all points and attach it to this report.

Employee's signature: *David A. Hanks, Captain* Date: *5/26/17*

Discussed with employee: _____ Follow-up desired? ☐ yes ☐ no Follow-up date: _____

Evaluator's signature: *[Signature]* Date: *5-26-17*

Print Name: *Rich Conrad* Title: *Director*



**POSITION DESCRIPTION
CITY OF MUNCIE, INDIANA
SANITARY DISTRICT**

POSITION: Secretary
DEPARTMENT: Bureau of Water Quality
WORK SCHEDULE: 7:00 a.m. – 3:00 p.m., M-F
JOB CATEGORY: COMOT (Computer, Office Machine Operation, Technician)

DATE WRITTEN: October 2016
DATE REVISED: May 2017

STATUS: Full-time
FLSA STATUS: Non-exempt

To perform this position successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed in this document are representative of the knowledge, skill, and/ or ability required. The City of Muncie Sanitary District provides reasonable accommodation to qualified employees and applicants with known disabilities, who require accommodation to complete the application process or perform essential functions of the job, unless the accommodation would cause an undue hardship.

Incumbent serves as secretary for the City of Muncie Sanitary District Bureau of Water Quality, responsible for preparing payroll and maintaining related personnel records, and providing clerical and administrative support to Department. Department Head can choose to give a secretary an Office Manager differential pay per the Salary Resolution if desired along with managerial duties. This pay increase must be approved by the District Administrator.

DUTIES:

- Answers telephone and greets office visitors, determining nature of call/visit, responding to inquiries, providing information and assistance, and/or directing caller to appropriate individual or department.
- Maintains department payroll and personnel records and files, including preparing and distributing time cards, and recording attendance, vacation, personal and sick days, funeral, and court duty, and preparing personal information (PI) forms.
- Performs various clerical duties, including, but not limited to, entering data on computer, performing light duty office cleaning, preparing various reports, forms, requisitions, memorandums, and correspondence, maintain files and records, maintain inventory and preparing purchase orders, maintain petty cash, and collecting, sorting and distributing mail.
- Adheres to federal, state, and local safety practices and policies of the Muncie Sanitary District.
- May be required to deliver and pick up samples, including trips out of town.
- Performs related duties as assigned

BWQ Secretary



I. JOB REQUIREMENTS AND DIFFICULTY OF WORK:

- 1) High School Diploma, or GED.
- 2) Working knowledge of standard English grammar, spelling and punctuation, and ability to prepare various documents, memos, correspondences, forms, and/or reports as required.
- 3) Knowledge of standard filing systems and ability to maintain accurate and complete Department files and records.
- 4) Ability to properly operate standard office equipment including computer, typewriter, calculator, copier, scanner, and telephone.
- 5) Ability to comply with all employer and Department personnel policies and work rules, including, but not limited to, attendance, safety, drug-free workplace, and personal conduct.
- 6) Ability to provide public access to or maintain confidentiality of Department information and records according to State requirements.
- 7) Ability to effectively communicate orally and in writing with co-workers, other City departments, private industry agencies, and the public, including being sensitive to professional ethics, gender, cultural diversities and disabilities.
- 8) Ability to follow policies and procedures and legal requirements, and ability to apply such knowledge to interrelated processes, tasks, and operations.
- 9) Ability to utilize computerized programs and related software as required.
- 10) Ability to understand, memorize, retain, and carry out written or oral instructions and present findings in oral or written form.
- 11) Ability to work alone with minimum supervision and work on several tasks at the same time.
- 12) Ability to work on several tasks at the same time and work rapidly for long periods, often under time pressure.
- 13) Ability to apply knowledge of people and/or locations, plan and layout assigned work projects, and perform arithmetic calculations.
- 14) Ability to read and interpret detailed prints, sketches, specifications, layouts, and maps.
- 15) Ability to occasionally travel out of town for delivering lab samples, but not overnight.
- 16) Possession of a valid Indiana driver's license and a demonstrated safe driving record.

II. RESPONSIBILITY:

Incumbent performs duties according to standard Department policies and procedures. Incumbent receives general supervision with assignments guided by broad policies and/or general objectives, referring to supervisor when interpretations of department policies and programs are thought necessary. On rare occasions, decisions are made in

BWQ Secretary



the absence of specific policies and/or guidance from supervisor. Error's in incumbents work are primarily detected or prevented through supervisory review. Undetected errors may results in loss of time to correct error.

III. PERSONAL WORK RELATIONSHIPS:

Incumbent maintains frequent contact with co-workers, other City departments, private industry agencies, and the public for the purpose of giving and receiving information.

Incumbent reports directly BWQ Office Manager.

IV. PHYSICAL EFFORT AND WORK ENVIRONMENT:

Incumbent performs duties in a standard office environment, involving sitting/walking at will, sitting/standing/walking for long periods, lifting/carrying objects weighing less than 25 pounds, keyboarding, close vision, handling/grasping objects, speaking clearly, and hearing sounds/communication. Incumbent occasionally travels out of town for delivering lab samples, but not overnight.

APPLICANT/ EMPLOYEE ACKNOWLEDGMENT:

The job description for the position of Secretary for the Bureau of Water Quality describes the duties and responsibilities for employment in this position. I acknowledge that I have received this job description, and understand that it is not a contract of employment. I am responsible for reading this job description and complying with all job duties, requirements and responsibilities contained herein, and any subsequent revisions.

Is there anything that would keep you from meeting the job requirements as outlined?

Yes _____ No _____

Applicant/Employee Signature

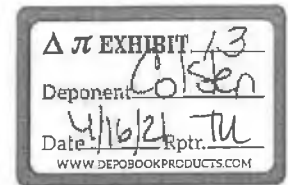
Date

Print or Type Name

BWQ Secretary

Schuster, Katie

From: Sarah Beach <sbeach@cityofmuncie.com>
Sent: Wednesday, March 21, 2018 1:06 PM
To: Rick Conrad
Cc: Nikki Grigsby
Subject: Linda Starke-Colsten



Linda has been approved for FMLA for two separate conditions:

Condition #1: 1-3 times a month for 1-2 days per episode

Condition #2: 1-2 times a month for 1-2 days per episode

If you have any questions, please let me know.

Sarah L. C. Beach
Personnel Director
City of Muncie
300 N High St
Muncie, IN 47305
(765) 747-4869



City of MUNCIE
MUNCIE, INDIANA

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PERFORMANCE APPRAISAL

Muncie Sanitary District, Indiana an Equal Opportunity Employer

Name: Linda Starke Colsten Office/Department: Bureau of Water Quality

Job title: Secretary

Reason for review: ☐ Merit ☐ Promotion ☐ Unsatisfactory performance
☐ End of probationary period ☐ Annual review ☐ Other

Began present position: 5-8-16 Last appraisal: _____ Scheduled appraisal: 8-1-2018

Instructions: Carefully evaluate employee's work performance in relation to essential functions of the job as stated in the job description. Check the appropriate *Rating* box, assign points within the *Scale* for that rating, and write that number in the corresponding *Points* box. Points will be totaled and averaged for an overall performance score. *Add pages as needed for comments.*

Definitions of Performance Ratings	
O - Outstanding Performance is exceptional and recognizable as being far superior to others.	I - Improvement needed Performance is deficient in certain areas. Improvement is necessary.
V - Very Good Results clearly exceed most position requirements. Performance is of high quality and is achieved consistently.	U - Unsatisfactory Results are generally unacceptable & require immediate improvement.
G - Good Competent, dependable performance. Understands performance standards of the job.	N/A - Not Applicable or too soon to rate.

General Factors	Performance Rating/Scale						
1. <i>Quality</i> - Extent to which employee's work is accurate, thorough & neat.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda's work is always of very good quality. If there are ever mistakes, they are quickly corrected.							
2. <i>Productivity</i> - Extent to which employee efficiently produces a significant volume of work in a specified time period.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 95
<i>Supportive Detail/Comments</i> Linda always completes necessary tasks on time and is always willing to take on new tasks as needed.							

General Factors		Performance Rating/Scale					
3. <i>Reliability</i> - Extent to which employee can be relied upon regarding completion & follow-up.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda is able to reliably follow-through with any responsibilities she has or any tasks she is given.							
4. <i>Attendance</i> - Extent to which employee is punctual, observes prescribed meal/ break periods & has an acceptable overall attendance record.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Absences: Number of days Linda provides adequate notice of time-off.							
5. <i>Independence</i> - Extent to which employee performs work with little or no supervision.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda is able to handle her responsibilities with little supervision, but also understands when I or others should be included in any decisions.							
6. <i>Knowledge</i> - Extent to which employee possesses practical/technical knowledge required on the job.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 95
<i>Supportive Detail/Comments</i> Linda has extensive knowledge and experience with MSD policies. Her experience is often extremely valuable to many various situations that arise at the BWQ and throughout the MSD.							

7. <i>Creativity</i> - Extent to which employee proposes ideas & finds new, better ways of doing things.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points
<i>Supportive Detail/Comments</i> Little opportunity to evaluate this so far.							

General Factors	Performance Rating/Scale						
8. <i>Initiative</i> - Extent to which employee seeks new assignments & assumes additional duties as needed or time allows.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> One of Linda's strengths is her ability and willingness to organize many aspects of the office.							
9. <i>Adherence to Policy</i> - Extent to which employee adheres to safety & conduct rules, other regulations, & general policies.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda has a very good understanding of MSD policies, and she appears comfortable with any policies that are new or unique to Bureau.							
10. <i>Interpersonal Relationships</i> - Extent to which employee is willing & demonstrates ability to cooperate, work & communicate with co-workers, supervisors, subordinates, &/or outside contacts.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 90
<i>Supportive Detail/Comments</i> Linda maintains a friendly and professional rapport with her coworkers.							

11. Judgment - Extent to which employee demonstrates proper judgment & decision-making skills when necessary.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 35
<i>Supportive Detail/Comments</i> Linda has good judgment related to making decisions related to her work.							
Rate employee's overall performance regarding position duties and responsibilities.		O 90-100	V 80-89	G 70-79	I 60-69	U below 60	
Total Points <u>869</u> ÷ number of factors rated <u>10</u> = Average Score <u>86.9</u> = Overall Rating							

Complete all of the following sections:

- Accomplishments or new abilities demonstrated since last review:
Has adapted to new department and its unique policies/standard operating procedures without difficulty.
- Specific areas needing improvement:
None.
- Recommendations for professional development (seminars, training, etc.):
Linda is invited to suggest professional workshops or training that she may find beneficial if she chooses (this is not a requirement, it is simply to make her aware that I will consider requests like this if we have money in the budget).
- Status of employee's probationary period (if applicable):
☐ Employee satisfactorily completed probationary period.
☐ Employee's probationary period shall be extended for _____ days.

Employee Comments

The employee may add any comments in this space. If the employee wishes to add a separate page of comments, *attach it to this evaluation form.*

Employee Certification

I certify that this report has been discussed with me, and I understand my signature does not necessarily indicate agreement. I may write a separate response to any and all points and attach it to this report.

Employee's signature: *Amelia Stankovic* Date: 8/1/2018

Discussed with employee: yes Follow-up desired? ☐ yes ☒ no Follow-up date: _____

Evaluator's signature: *[Signature]* Date: 8-1-2018

Print Name: *Mike Conrad* Title: *Director*

PINK—INSURANCE
GOLD—EMPLOYEE

Employee Storke, Colsten L
LAST FIRST INITIAL

Address 3823 B. Bacon St. Murcia CA 94302
STREET CITY STATE ZIP

SS # [Redacted] Telephone 765-444-3731

Birthdate [Redacted] Title BA
RACE C SEX F

REASON FOR CHANGE Check Applicable Boxes

☐ Hired ☐ Promotion ☐ Voluntary Quit (EXPLAIN BELOW)

☐ Re-hired ☐ Demotion ☐ Retirement

☐ Re-instated ☒ Rate Change ☐ Layoff

☐ Seasonal Hire ☐ Name Change ☐ Discharge (EXPLAIN BELOW)

☐ Transfer ☐ Address Change ☐ Seasonal Discharge

☐ Other _____

EFFECTIVE DATE OF CHANGE _____

THE CHANGE Check Applicable Boxes

	FROM	TO
<input type="checkbox"/> Department	BWD	BWD
<input type="checkbox"/> Position Title Fund/Accl. No.	611-87	611-87
<input type="checkbox"/> Pay Rate	\$19.03	\$19.28

Explanation BA \$17.83 + L. \$1.45 = \$19.28

VOLUNTARY PAYROLL DEDUCTIONS Complete and Attach Applicable Form MIT

NAME CODE #

NAME CODE #

NAME CODE #

AUTHORIZED (DEPARTMENT HEAD) [Signature] DATE 9-14-18

EMPLOYEE [Signature] DATE



Δ π EXHIBIT 76
Deponent: Dobson
Date: 4/16/21 Rpt. To: TH
www.lit-e360.com/products/33.com

Employee: Stark, Patrick hinda
LAST FIRST INITIAL
 Address: 3248 S. Greenwood Ave Chicago IL 60640
STREET CITY STATE ZIP
 SS # _____ Telephone 765-744-2021

Birthdate Redacted Title Sec.
 Race P Sex F

REASON FOR CHANGE Check Applicable Boxes

<input type="checkbox"/> Hired	<input type="checkbox"/> Promotion	<input type="checkbox"/> Voluntary Quit (EXPLAIN BELOW)
<input type="checkbox"/> Re-hired	<input type="checkbox"/> Demotion	<input type="checkbox"/> Retirement
<input type="checkbox"/> Re-instated	<input type="checkbox"/> Rate Change	<input type="checkbox"/> Layoff
<input type="checkbox"/> Seasonal Hire	<input type="checkbox"/> Name Change	<input type="checkbox"/> Discharge (EXPLAIN BELOW)
<input type="checkbox"/> Transfer	<input type="checkbox"/> Address Change	<input type="checkbox"/> Seasonal Discharge
<input checked="" type="checkbox"/> Other <u>Reassignment / Informational Discontinuation</u>		

EFFECTIVE DATE OF CHANGE 3-25-2019

THE CHANGE Check Applicable Boxes Just OK

	FROM	TO
<input type="checkbox"/> Department		<u>G. W. P.</u>
<input type="checkbox"/> Position Title		<u>6187-41021</u>
<input type="checkbox"/> Fund/Acct. No.		
<input type="checkbox"/> Pay Rate		

Explanation Reassignment to new position extended
until June 1st from March 25th

VOLUNTARY PAYROLL DEDUCTIONS Complete and Attach Applicable Form MH

NAME _____	CODE # _____
NAME _____	CODE # _____
NAME _____	CODE # _____
<u>Authorized Department Head</u>	<u>4-24-19</u>
<u>Employee</u>	<u>4-24-19</u>



Employee Starke Robert Linda he
LAST FIRST INITIAL
 Address 3843 S Bacon St Muncie IN 47302
STREET CITY STATE ZIP
 SS # _____ Telephone 765-444-3721
 Birthdate Redacted Title Asst.
 Race C Sex F

REASON FOR CHANGE Check Applicable Boxes

☐ Hired ☐ Promotion ☐ Voluntary Quit (EXPLAIN) (BELOW)
☐ Re-hired ☐ Demotion ☐ Retirement
☐ Re-instated ☐ Rate Change ☐ Layoff
☐ Seasonal Hire ☐ Name Change ☐ Discharge (EXPLAIN) (BELOW)
☐ Transfer ☐ Address Change ☐ Seasonal Discharge
☐ Other Rec. 144 hrs. from Rick Conrad

EFFECTIVE DATE OF CHANGE 5/1/2019

THE CHANGE Check Applicable Boxes

	FROM	TO
<input type="checkbox"/> Department	<u>BWG</u>	<u>BWG</u>
<input type="checkbox"/> Position Title Fund/Accl. No.	<u>87-411021</u>	<u>87-411021</u>
<input type="checkbox"/> Pay Rate		

Explanation Reassigning 40 hours of internal work from Rick Conrad

VOLUNTARY PAYROLL DEDUCTIONS Complete and Attach Applicable Form MH

NAME _____ CODE # _____

NAME _____ CODE # _____

NAME _____ CODE # _____

AUTHORIZED (DEPARTMENT) HEAD [Signature] DATE 5-6-19
 EMPLOYEE [Signature] DATE 7/6/2019

Employee Stacy (Linda) Linda GOLD-EMPLOYEE
Address 2228 S. Beacon St. Mann IN 46802
SS # Redacted Telephone 765-944-8731
Birthdate Redacted Title Sec.

REASON FOR CHANGE Check Applicable Boxes
☐ Hired ☐ Promotion ☐ Voluntary Quit (EXPLAIN BELOW)
☐ Re-hired ☐ Demotion ☐ Retirement
☐ Re-instated ☐ Rate Change ☐ Layoff
☐ Seasonal Hire ☐ Name Change ☐ Discharge (EXPLAIN BELOW)
☐ Transfer ☐ Address Change ☐ Seasonal Discharge
☒ Other Re-hired and name change

EFFECTIVE DATE OF CHANGE 5-10-2019

THE CHANGE Check Applicable Boxes

	FROM	TO
<input type="checkbox"/> Department	<u>6020</u>	<u>6015</u>
<input type="checkbox"/> Position Title Fund/Act. No.	<u>87-</u>	<u>87-</u>
<input type="checkbox"/> Pay Rate		

Explanation Re-hired and name change from Linda to Stacy
in the amount of \$10.00 per hour.

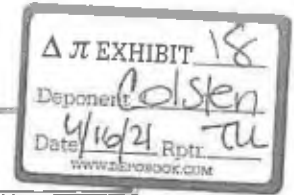
VOLUNTARY PAYROLL DEDUCTIONS Complete and Attach Applicable Form

NAME MT CODE #

NAME CODE #

NAME CODE #

AUTHORIZED DEPARTMENT HEAD 5-10-19
DATE
EMPLOYEE Stacy (Linda) Linda DATE 10/20/19



PERFORMANCE APPRAISAL

Muncie Sanitary District, Indiana an Equal Opportunity Employer

Name: Linda Starke Colsten Office/Department: Bureau of Water Quality

Job title: Secretary

Reason for review: ☐ Merit ☐ Promotion ☐ Unsatisfactory performance
☐ End of probationary period ☐ Annual review ☐ Other

Began present position: 5-8-16 Last appraisal: 8-1-2018 Scheduled appraisal: 8-7-2019

Instructions: Carefully evaluate employee's work performance in relation to essential functions of the job as stated in the job description. Check the appropriate *Rating* box, assign points within the *Scale* for that rating, and write that number in the corresponding *Points* box. Points will be totaled and averaged for an overall performance score. *Add pages as needed for comments.*

Definitions of Performance Ratings	
O - Outstanding Performance is exceptional and recognizable as being far superior to others.	I - Improvement needed Performance is deficient in certain areas. Improvement is necessary.
V - Very Good Results clearly exceed most position requirements. Performance is of high quality and is achieved consistently.	U - Unsatisfactory Results are generally unacceptable & require immediate improvement.
G - Good Competent, dependable performance. Understands performance standards of the job.	N/A - Not Applicable or too soon to rate.

General Factors	Performance Rating/Scale						
1. <i>Quality</i> - Extent to which employee's work is accurate, thorough & neat.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda's work is always of very good quality. If there are ever mistakes, they are quickly corrected.							
2. <i>Productivity</i> - Extent to which employee efficiently produces a significant volume of work in a specified time period.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda always completes necessary tasks on time and is always willing to take on new tasks as needed.							

General Factors	Performance Rating/Scale						
3. <i>Reliability</i> - Extent to which employee can be relied upon regarding completion & follow-up.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda is able to reliably follow-through with any responsibilities she has or any tasks she is given.							
4. <i>Attendance</i> - Extent to which employee is punctual, observes prescribed meal/ break periods & has an acceptable overall attendance record.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Absences: Number of days Linda provides adequate notice of time-off.							
5. <i>Independence</i> - Extent to which employee performs work with little or no supervision.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 89
<i>Supportive Detail/Comments</i> Linda is able to handle her responsibilities with little supervision, but also understands when I or others should be included in any decisions.							
6. <i>Knowledge</i> - Extent to which employee possesses practical/technical knowledge required on the job.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 95
<i>Supportive Detail/Comments</i> Linda has extensive knowledge and experience with MSD policies. Her experience is often extremely valuable to many various situations that arise at the BWQ and throughout the MSD.							

7. <i>Creativity</i> - Extent to which employee proposes ideas & finds new, better ways of doing things.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points
<i>Supportive Detail/Comments</i> Little opportunity to evaluate this so far.							

General Factors	Performance Rating/Scale						
8. <i>Initiative</i> - Extent to which employee seeks new assignments & assumes additional duties as needed or time allows.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> One of Linda's strengths is her ability and willingness to organize many aspects of the office.							
9. <i>Adherence to Policy</i> - Extent to which employee adheres to safety & conduct rules, other regulations, & general policies.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda has a very good understanding of MSD policies, and she appears comfortable with any policies that are new or unique to Bureau.							
10. <i>Interpersonal Relationships</i> - Extent to which employee is willing & demonstrates ability to cooperate, work & communicate with co-workers, supervisors, subordinates, &/or outside contacts.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 90
<i>Supportive Detail/Comments</i> Linda maintains a friendly and professional rapport with her coworkers.							

11. Judgment - Extent to which employee demonstrates proper judgment & decision-making skills when necessary.	N/A	O 90-100	V 80-89	G 70-79	I 60-69	U below 60	Points 85
<i>Supportive Detail/Comments</i> Linda has good judgment related to making decisions related to her work.							
Rate employee's overall performance regarding position duties and responsibilities.		O 90-100	V 80-89	G 70-79	I 60-69	U below 60	
Total Points <u>869</u> ÷ number of factors rated <u>10</u> = Average Score <u>86.9</u> = Overall Rating							

Complete all of the following sections:

- Accomplishments or new abilities demonstrated since last review:
Has adapted to new department and its unique policies/standard operating procedures without difficulty.
- Specific areas needing improvement:
None.
- Recommendations for professional development (seminars, training, etc.):
Linda is invited to suggest professional workshops or training that she may find beneficial if she chooses (this is not a requirement, it is simply to make her aware that I will consider requests like this if we have money in the budget).
- Status of employee's probationary period (if applicable):
____ Employee satisfactorily completed probationary period.
____ Employee's probationary period shall be extended for ____ days.

Employee Comments

The employee may add any comments in this space. If the employee wishes to add a separate page of comments, *attach it to this evaluation form.*

Employee Certification

I certify that this report has been discussed with me, and I understand my signature does not necessarily indicate agreement. I may write a separate response to any and all points and attach it to this report.

Employee's signature: [Signature] Date: 8/12/2019

Discussed with employee: yes Follow-up desired? ☐ yes ☒ no Follow-up date: _____

Evaluator's signature: [Signature] Date: 8-12-19

Print Name: Rich Conner Title: Director

11/07/2019 THU 13:50 FAX 7652133746 Central IN Ortho

001/001



CENTRAL INDIANA
ORTHOPEDICS
800-622-6575 ciocenter.com

11/07/2019

To Whom It May Concern:

" Linda Starke-Colsten is currently under my medical care.
She may return to work on 11/04/2019.
Activity is restricted as follows: none.

If you require additional information please contact our office.

Sincerely,

Provider: Brent M. Damer DO 11/07/2019

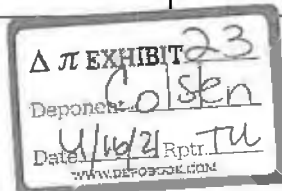
Document generated by: Theresa Robertson 11/07/2019



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EEOC Form 9 (11/06)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 470-2020-00810	
INDIANA CIVIL RIGHTS COMMISSION and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.): MS. LINDA L STARKE COLSTEN		Home Phone (765) 744-3731	Year of Birth Redacted
Street Address 3828 S BEACON ST, MUNCIE, IN 47302		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF MUNCIE		No. Employees, Members 101 - 200	Phone No. (765) 747-4845
Street Address 300 N. NORTH HIGH ST, MUNCIE, IN 47305		City, State and ZIP Code	
Name		No. Employees, Members	Phone No.
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input checked="" type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 11-15-2019 11-15-2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I began my employment with the city of Muncie in 1975. My most recent position was Office Manager for the Muncie Sanitary District and my direct supervisor was Rick Conrad. On November 5, 2019 District Board President Bill Smith and Sanitary District Attorney Mark McKinney came to my office and said they wanted to speak with Rick. I showed them to Rick's office and shortly afterwards Rick came out and said they wanted to speak with me. Bill then advised me that the city was eliminating my job, and gave me the option to retire or 'do what Nancy did.' I understood this to mean retire or become a Laborer, as that is what was offered to former co-worker Nancy Williams. Rick and Bill knew that working as a Laborer was out of the question in my case. They are aware that I am 71 years old and have disabilities, and therefore knew I would have no option but to resign. During the meeting I was informed that the City is also eliminating a position in the billing department. This position is also held by an employee over the age of 50. I believe I was discriminated against due to my age, 71, in violation of the Age Discrimination in Employment Act of 1967, and my disability, in violation of the Americans with Disabilities Act of 1990, as			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Linda Starke Colsten on 12-12-2019 08:04 AM EST		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	



EEOC.FOIA_000014

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	Agency(ies) Charge No(s): 470-2020-00810
INDIANA CIVIL RIGHTS COMMISSION		and EEOC	
<i>State or local Agency, if any</i>			
amended.			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - <i>When necessary for State and Local Agency Requirements</i>
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
Digitally signed by Linda Starke Colsten on 12-12-2019 08:04 AM EST	SIGNATURE OF COMPLAINANT
	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)